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ABSTRACT

In 1998, Virginia's Joint Legislative Audit and Review Commission (JLARC) was directed to evaluate the effectiveness of the Virginia Department of Motor Vehicle's (DMV's) oversight of commercial driver training schools (CDTS) in Virginia. The evaluation included the following research activities: mail surveys of DMV CDTS oversight staff and CDTS operators; visits to 14 CDTS; a review of the driving history data of more than 180,000 driver education graduates; structured interviews with DMV staff; observation of DMV annual audits of 7 CDTS; and document reviews. The following were among the main findings: (1) the role of CDTS is increasing; (2) accident rates of CDTS graduates are higher than those of graduates of public and private school driver education programs; (3) CDTS standards must be strengthened to facilitate oversight; and (4) DMV's oversight process should be strengthened (review of classroom and in-car training segments should be enhanced; inspections of CDTS training vehicles should be more comprehensive; and monitoring visits between annual audits are needed). Twenty-four figures/tables/exhibits are included. The following items are appended: text of Virginia House Joint Resolution No. 470; the DMV's response to the JLARC's recommendations; the CDTS audit report form; correspondence pertaining to the review; and guidelines for Virginia's driver licensing examination. (MN)

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ED 452 343

REPORT OF THE
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMISSION

G. Tittermary

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STATE OVERSIGHT OF COMMERCIAL DRIVER-TRAINING SCHOOLS IN VIRGINIA

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA

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COMMONWEALTH OF VIRGINIA
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Preface

House Joint Resolution 470, approved by the 1997 Session of the General Assembly, directed the Joint Legislative Audit and Review Commission (JLARC) to conduct a study of the effectiveness of State oversight of commercial driver-training schools, including the licensing and monitoring of these schools. This report contains the staff findings and recommendations regarding the issues related to oversight of commercial driver-training schools by the Department of Motor Vehicles (DMV).

This study found that, systemwide, most commercial driver-training schools comply with DMV's standards and train drivers as required. However, despite the increasing role of commercial schools in training and licensing young drivers, graduates of commercial driver-training schools were more likely to be involved in accidents than were graduates of public or private school driver education programs.

In terms of DMV's oversight, this review found that selected existing standards need to be strengthened. Further, additional standards should be developed to ensure that the instruction is uniform and consistent statewide, and that it meets the requirements of the *Code of Virginia* and the *Curriculum Guide for Driver Education in Virginia*.

This review also identified areas in DMV's oversight process for commercial driver-training schools that should be improved. Specifically, DMV should focus on increasing: the consistency of its reviews of student training documentation and course curriculum, the comprehensiveness of the audits of commercial school training vehicles, and the use of monitoring visits between annual audits. Finally, additional changes should be implemented, such as providing more training for DMV staff who conduct audits, in order to promote the provision of consistent and high quality instruction statewide.

On behalf of JLARC staff, I would like to thank the Department of Motor Vehicles' staff and the commercial driver-training schools that assisted during our review.

Philip A. Leone
Director

September 21, 1998

JLARC Report Summary

State Oversight of Commercial Driver-Training Schools in Virginia

September 1998

Joint Legislative Audit and Review Commission

Driver education is required for driver's license applicants in Virginia under 19 years of age. Many individuals receive the required driver training in local high schools. However, many also receive all or a portion of their required driver education through licensed commercial driver-training schools. In May 1998, there were more than 135 licensed commercial driver-training schools operating in Virginia. These schools employed more than 350 licensed instructors. In FY 1997, more than 28,000 students under 18 years of age received at least the in-car portion of the driver education program through commercial driver-training schools.

The Virginia Department of Motor Vehicles (DMV) has statutory responsibility for oversight of commercial driver-training schools. This oversight is accomplished primarily through three mechanisms. First, DMV has promulgated regulations governing the operation of commercial driver-training schools. Second, DMV has a school and instructor licensing process to verify compliance with applicable standards at the time of licensing. Finally, the department systematically audits the schools for compliance with the promulgated regulations.

House Joint Resolution 470 of the 1997 General Assembly Session directed the Joint Legislative Audit and Review Commission (JLARC) to evaluate the effectiveness of DMV's oversight of commercial driver-training schools. The mandate further specified that this review focus on the licensing and monitoring of these schools. Several factors apparently provided the impetus for this study, including concerns regarding the rate at which young drivers are involved in accidents and the extent to which public and private schools can provide adequate driver education instruction in sufficient quantity to meet demand in a timely manner.

One goal of DMV's oversight process is to ensure that services provided by commercial driver-training schools are uniform and of high quality. DMV's oversight activities are intended to ensure that graduates of these schools are adequately prepared to safely and independently operate an automobile on the public roadways after obtaining a driver's license. There are, however, some changes to the current process that are necessary to ensure that DMV's oversight of commercial driver-training schools is more consistent, uniform, and comprehensive.

Significant findings of this report include:

- It appears that most commercial driver-training schools in Virginia comply with DMV's regulations and train young drivers as required.

- The role of commercial driver-training schools in preparing young people to drive an automobile is growing due to a number of factors including the apparent inability of public schools to meet demand in a timely fashion for in-car instruction, and changes in the State's driver's licensing requirements for individuals under 18 years of age.

- Despite this increasing role in training and licensing young drivers, graduates of commercial driver-training schools were more likely to be involved in accidents than were graduates of driver education programs in public or private schools. This indicates that proactive and systematic oversight by the State is necessary to ensure graduates of commercial schools are able to safely drive an automobile.

- Selected DMV standards need to be strengthened and additional standards should be developed to ensure that the instruction provided by commercial driver-training schools is uniform and meets the requirements established in State law and in the *Curriculum Guide for Driver Education in Virginia.* Specifically, the topic of aggressive driving should be added to the curriculum, requirements for inspection of training vehicles should be strengthened, training documentation should be made more uniform, and standards to guide the administration of the road skills test are needed to ensure uniformity systemwide.

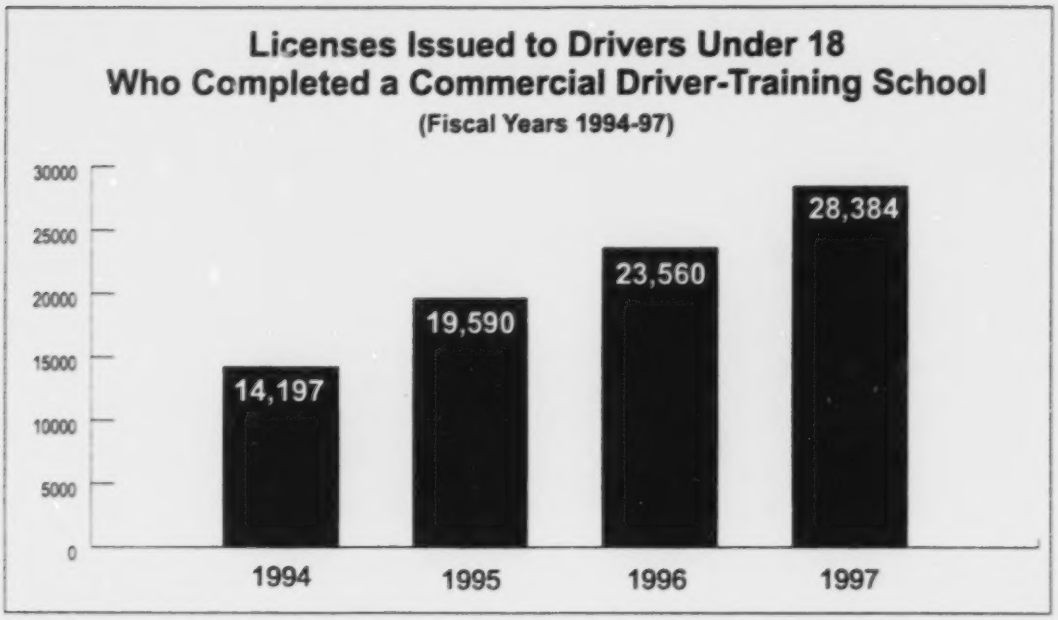
- Components of DMV's oversight process should be strengthened to ensure that: reviews of training documentation are consistent, evaluation of schools' curriculum is expanded, DMV's audits of commercial schools' vehicles are more comprehensive and standard across the State, and monitoring visits are used on a more routine basis.

- Finally, DMV should implement additional changes intended to ensure that consistently high quality instruction is provided across the commercial driver-training school system. These changes include: linking the annual audit with the school's license renewal process and providing additional training to DMV staff to ensure greater consistency in the administration of the audits.

Role of Commercial Driver-Training Schools Providing Driver Education Programs Is Increasing

The role of commercial driver-training schools in training young people to safely drive a motor vehicle has been steadily increasing. At the present time, there are 139 schools licensed by DMV. This is an increase of more than 100 percent since 1985, when there were 69 licensed schools. Moreover, from FY 1994 to FY 1997, the number of students using commercial driver-training schools doubled. Commercial driver-training schools are utilized by students for a number of reasons, including: convenience, quality of instruction, and the inability of public schools to provide in-car training in a timely manner. In fact, in DMV's Northern Virginia district, commercial driver-training schools train more students for the in-car portion than do all of the public schools in that district.

Another element that has impacted the commercial driver-training school industry is the fact that graduates under 18 years of age



of both commercial and public schools no longer have to go to DMV for the road skills examination. Commercial driver-training schools and public schools can now administer this examination and effectively license their graduates to drive a motor vehicle. This change occurred in July 1995, and the number of students completing driver education at a commercial school has increased by 45 percent since FY 1995.

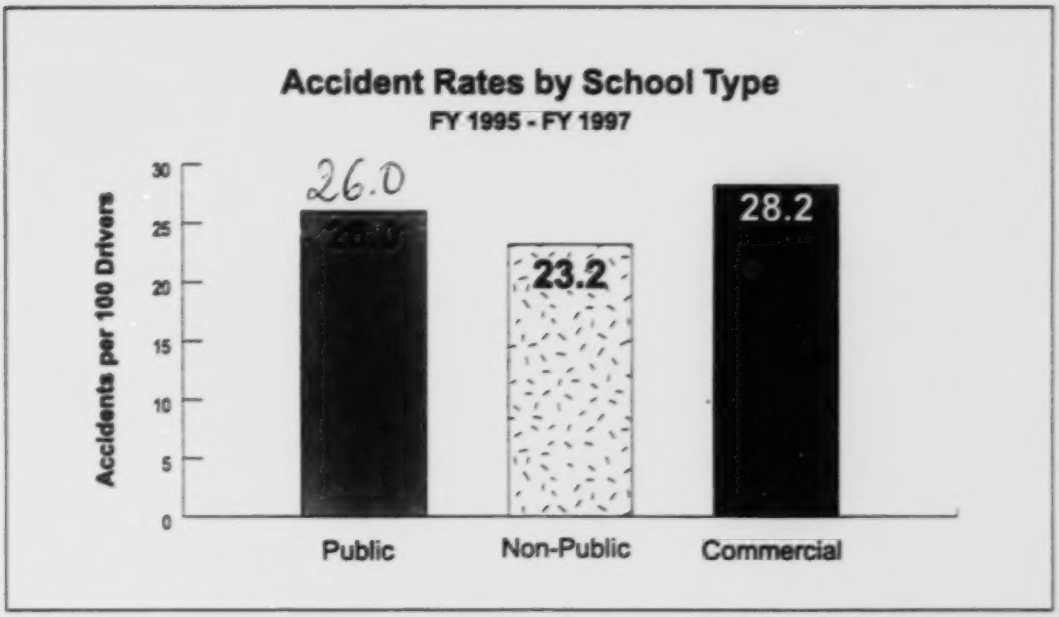
Accident Rates of Commercial Driver-Training School Graduates Are Higher than Other Programs

Even though the role of commercial driver-training schools in training and licensing young drivers has increased, analysis of driving record data for this study indicates that commercial driver-training school graduates are more likely to be involved in traffic accidents than are graduates of public and private school driver education programs. Overall, commercial driver-training school graduates were involved in more than eight percent more accidents per 100 drivers than were graduates of driver education programs offered through a public school.

Some of the difference may be attributable to the fact that the commercial driver-training schools have a higher proportion of male drivers, who have a substantially higher rate of accidents than females, regardless of the type of school attended. However, even within gender groups, the accident rate per 100 drivers is higher for commercial driver-training schools (nine percent for males, seven percent for females).

In addition, there is a concern that some schools have particularly high accident rates. Within the commercial driver-training school system, there is substantial variation in accident rates among schools. For example, during FY 1995 through FY 1997, the accident rates for individual schools ranged from 11 accidents per 100 drivers to 52 per 100 drivers. By comparison, the average for all commercial schools was about 26 accidents per 100 drivers. Among public schools, the accident rates ranged from 13 accidents to 38 accidents per 100 drivers.

While many schools appear to provide uniform and high quality instruction to train students to be safe drivers, other schools



appear not to be as effective. This indicates a need for proactive and systematic oversight of commercial driver-training schools by DMV. With some enhancements, the DMV oversight process could better ensure that all schools are effectively preparing young drivers to safely operate motor vehicles.

Commercial Driver-Training School Standards Need to Be Strengthened to Facilitate Oversight

The commercial driver-training school standards are the primary criteria that DMV staff have to evaluate the curriculum and the business operations of the commercial driver-training schools. Prior to July 1990, the Board for Commercial Driver Training Schools was responsible for promulgating standards for the commercial driving school industry. After assuming responsibility for commercial driver-training schools, DMV amended the standards and made them more comprehensive. Additional requirements were established in the areas of general administration, instructor licensing, practice expectations and discipline, and curriculum standards. Although the current standards are more comprehensive than those used by the Board for Commercial Driver Training Schools, commercial school operators have reported that DMV's current regulations are reasonable.

However, the current review of DMV's standards indicates that some lack clarity or are inadequate to facilitate effective oversight of commercial driver-training schools. These standards involve student training vehicles, training documentation requirements, and instructor requirements.

Standards Related to School Training Vehicles Need to Be Revised to Facilitate Safety. Current standards require that vehicles used to train students must be insured, have a valid registration, have a valid State safety inspection sticker, and be in "safe mechanical condition." However, the criteria that constitute safe mechanical condition of a motor vehicle are not specifically identified in the standards. A clear definition of safe mechanical condition should be developed to enable DMV staff conducting annual audits to objectively evaluate whether training vehicles meet this standard.

Additional In-Car Training Documentation Requirements Are Needed. Key to preparing students to drive safely is the in-car training they receive. However, the ability of DMV staff to verify that the training is uniform and meets the State's requirements is limited due to the lack of systematic documentation by all commercial driver-training schools. To enable DMV to properly verify that the required types and amount of in-car training are being provided to students under 18 years of age, the standard for training documentation should require information on the type of training provided and the skills covered during the session.

Instructor Requirements Should Be Expanded. DMV currently has a number of requirements that instructors must meet in order to be licensed to teach in a commercial driver-training school. This review has identified some enhancements that should be made to the current requirements to provide additional safeguards for students. These enhancements include: (1) requiring a State Police criminal background check instead of a local police department criminal background check, (2) increasing the scope of the criminal convictions that could enable DMV to refuse to approve a license, and (3) revising the requirements related to demerit points for traffic infractions.

Additional Standards Are Necessary to Facilitate Uniformity Systemwide

Two additional standards are necessary to reflect recent changes in the *Code of Virginia* that were related to driver education programs. First, DMV needs to revise the curriculum standards to reflect the requirement passed by the 1998 General Assembly that issues related to aggressive driving be taught as part of the State's driver education program.

In addition, the 1995 amendment to the *Code of Virginia* that allows commercial driver-training schools, instead of DMV, to administer the road skills examination needs to be addressed in the standards. Because this change has not yet been incorporated into the commercial driver-training school regulations, implementation of this segment of the driver education program has not been consistent and uniform. In addition, the absence of standards limits an objective and comprehensive review by DMV staff of the schools' administration of the road skills examination.

DMV's Oversight Process Should Be Strengthened

Insight into the operations and instructional practices of commercial driver-training schools statewide is provided primarily through the oversight activities of DMV. The oversight process is carried out by staff assigned to the 73 DMV customer service centers located throughout Virginia. These staff typically have additional responsibilities, including administering the road test for commercial driver's licenses, auditing driver improvement program courses, and providing licensing, vehicle registration, or other services in their customer service center.

The effectiveness of DMV's oversight is determined by the ability of DMV staff to identify problems and ensure corrective action is taken in a timely manner. However, some facets of DMV's oversight process need to be strengthened to ensure it provides the department with timely and accurate information regarding the practices of commercial driver-training schools. Areas that need attention include the review of the schools' classroom and in-car instructional programs, vehicle inspections, and the use of monitoring visits between annual audits for selected schools.

Review of Classroom and In-Car Training Segments Should Be Enhanced. A primary focus of driver education is to provide young drivers with the knowledge and skills, through classroom and in-car instruction, that in the short-term might compensate for their relatively short driving experience.

However, current DMV audit procedures do not ensure that the curriculum taught in commercial schools is comprehensively evaluated for consistency with the *Curriculum Guide for Driver Education in Virginia.* To address this, the scope of the DMV review of both classroom and in-car instruction should be enhanced, primarily through revision of the audit procedures and audit form.

Inspections of School Training Vehicles Should Be More Comprehensive. Another area in the administration of the DMV audit in which JLARC staff observed significant variation was the inspection of the schools' vehicles. This review noted that some DMV staff reviews of the commercial schools' cars were much more comprehensive than others. As a result, the working conditions of some important components of the cars, such as tires and seatbelts, are reviewed in some audits but not reviewed during others. To rectify this inconsistency, DMV should revise its audit procedures to require that specific mechanical components on all cars be reviewed as part of the annual audit.

Monitoring Visits between Annual Audits Should Be Used. DMV could strengthen its oversight process by conducting monitoring visits between annual audits. Monitoring visits would enable DMV staff to verify that deficiencies on previous audits were corrected, and could address other operational or administrative issues. DMV staff have reported that using monitoring visits is always an available option. However, at the present time, DMV has not established criteria for determining when monitoring visits to commercial driver-training schools are necessary. Criteria that DMV should consider using include: complaints from parents or students, serious deficiencies on the most recent annual audit, and a record of not providing the required quantity of training to students under 19 years of age.

Additional Options for Improving the Effectiveness of DMV Oversight

This review identified a number of additional options that are available to DMV to assist it in properly licensing commercial schools, identifying problems, and ensuring that such problems are quickly resolved. While these options are not directly related to audit or oversight activities, they should support the department's monitoring process. Changes DMV should make to the current oversight process include linking the annual audit with the school's license renewal process and developing a database of audit results. In addition, because of the varied duties of the DMV staff responsible for audits of commercial driver-training schools, it is essential that DMV provide an enhanced level of training to these staff persons. This can help to reduce inconsistencies and facilitate more comprehensive oversight of commercial schools.

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I. Introduction

House Joint Resolution (HJR) 470 of the 1997 Session of the General Assembly directed the Joint Legislative Audit and Review Commission (JLARC) to review the effectiveness of the Department of Motor Vehicles (DMV) oversight of commercial driver-training schools (Appendix A). The mandate further specified that this review focus on the licensing and monitoring of these schools and was not to include commercial driver-training schools whose instruction focuses only on preparing students to receive a commercial driver's license.

Several factors apparently provided the impetus for this study, including concerns regarding the rate at which young drivers are involved in accidents, the extent to which public and private schools can provide instruction in sufficient quantity to meet demand, and the role of commercial driver-training schools in providing driver education programs to minors. Finally, another factor was the recent change in motor vehicle operator licensing requirements that allows individuals under 18 years of age to receive their driver's licenses without taking the State's road skills test at DMV if they successfully complete an approved driver's education program.

This chapter provides a brief overview of driver licensing in Virginia including a discussion of the requirements necessary to obtain a driver's license. In addition, DMV's role in commercial driver-training school oversight is briefly discussed. This chapter concludes with a discussion of the current JLARC review, a description of the research activities conducted by JLARC staff to complete this study, and an overview of the report's organization.

OVERVIEW OF DRIVER LICENSING AND DMV'S ROLE IN COMMERCIAL DRIVER-TRAINING SCHOOLS

The number of licensed drivers in Virginia has increased substantially since 1987. In 1996, there were almost five million licensed drivers in Virginia. For an individual under 19 years of age to receive a driver's license, successful completion of an approved driver education program is a prerequisite. Many commercial driver-training schools, as well as driver education programs in public and private high schools, provide driver education programs that meet the State's licensing requirements for individuals under the age of 19.

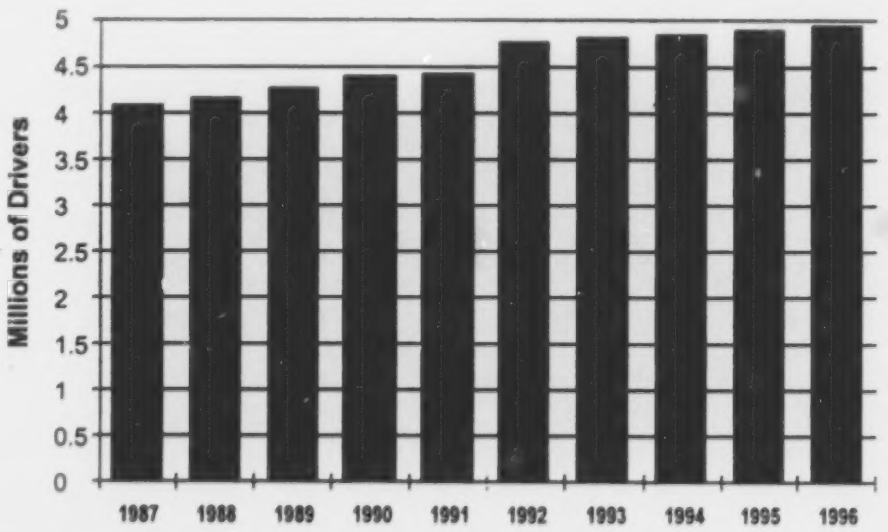
State oversight of commercial driver-training schools is provided by DMV. In fulfilling this responsibility, DMV has promulgated regulations with which commercial driver-training schools must comply. Staff from the various DMV customer service centers statewide audit schools for compliance with the promulgated regulations.

Number of Licensed Drivers in Virginia

Reflective of Virginia's increasing population, the number of licensed drivers in Virginia has increased as well. According to DMV, there were almost five million licensed drivers in the State in 1996, which was more than 70 percent of the State's population. For the ten year period of 1987 through 1996, the number of licensed drivers in Virginia increased by almost 22 percent (Figure 1). There were more than 158,000 licensed drivers under the age of 19 in Virginia on July 1, 1997.

Figure 1

Total Number of Licensed Drivers in Virginia, 1987-1996



Source: Virginia Department of Motor Vehicles, *1996 Virginia Traffic Crash Facts*.

Requirements to Obtain a Driver's License

Section 46.2-323 of the *Code of Virginia* establishes the requirements for obtaining a driver's license. Generally, the requirements for minors can be grouped into three broad categories, as highlighted in Exhibit 1. An applicant must be at least 16 to obtain a license and at least 15 years of age to obtain a learner's permit. Each person applying for either a driver's license, or learner's permit is required to provide certain information to DMV, including: name, date of birth, social security number, home address, medical conditions, and any driving convictions. The applicant must also provide information as to any previous licenses held in other states and any suspension or revocation of those licenses.

Exhibit 1

Requirements for Minors to Obtain A Driver's License in Virginia

Step I: Obtaining an Instruction or Learner's Permit	• Be at least 15 years of age. • Complete the Virginia Driver's License Application Form. • Present proof of a social security number (if issued), an original identification certifying name and date of birth, and proof of residency. • Be enrolled in school and in good academic standing (parent or guardian may waive this requirement). • Successfully complete a vision test. • Successfully complete a (driver's) knowledge test.
Step II: Driver Education	• Successfully complete a driver education course of instruction in a public, non-public, or commercial driver-training school • Successfully complete a road skills examination.
Step III: Obtaining the Driver's License	• Be at least 16 years of age. • If under 18, possess a valid learner's permit for a period of six months. • Have an academic or commercial driver-training school supply DMV with copy of Driver's Education Certificate or a CDT-A certificate. • Appear in Juvenile and Domestic Relations Court for official licensing ceremony.

Source: *Interim Report: Review of Commercial Driver-Training Schools in Virginia*, JLARC, 1998.

Furthermore, there are additional requirements for persons under the age of 18 to meet before DMV will approve and issue a license. For example, the applicant must be in good academic standing to receive a learner's permit or driver's license; however, this can be waived by written notice from a parent or legal guardian.

Likewise, the *Code* requires that every unlicensed driver under the age of 18 provide DMV with satisfactory proof of successful completion of both the classroom and in-car phases of an approved driver education program. The final step in the process is a juvenile licensing ceremony performed by the Juvenile and Domestic Relations Court. For applicants older than 18 but younger than 19 years of age, only successful completion of the classroom portion of a driver education program is required.

Finally, a significant change in licensing drivers occurred in 1995. At that time, the General Assembly passed legislation allowing DMV to give commercial driver-training schools the authority to administer a driving exam for individuals under the age of 18.

Essentially, the new procedure allows juvenile driver's license applicants to complete the application process, have a picture taken, and pay for the license at the

same time they submit an application for a learner's permit. Once the driver's education course of instruction is successfully completed, DMV is notified and the driver's license is forwarded to the applicable Juvenile and Domestic Relations Court for issuance to the applicant.

Driver Education Requirements in Virginia

Driver education programs have been operating in the United States since the early 1920's. The first school course designed specifically for driver education was reportedly developed in Minnesota in 1923. By 1940, at least 20 other states had established driver education programs taught as part of a public school curriculum. At that time, driver education was largely considered a responsibility of the nation's school systems. In Virginia, the General Assembly legislated that Virginia's secondary schools offer driver education beginning in 1927. Finally, the Board of Education established driver education as an integral part of the required health and physical education programs in 1947.

The *Code of Virginia* requires that driver's license applicants under the age of 19 complete specific phases of an approved driver education program. As illustrated in Figure 2, driver's license applicants under 19 years of age must have completed 36 periods of classroom instruction. For applicants under 18 years of age, an additional 14 periods of in-car instruction is required. The 14 periods must include seven periods of behind-the-wheel instruction and seven periods of observing other students drive.

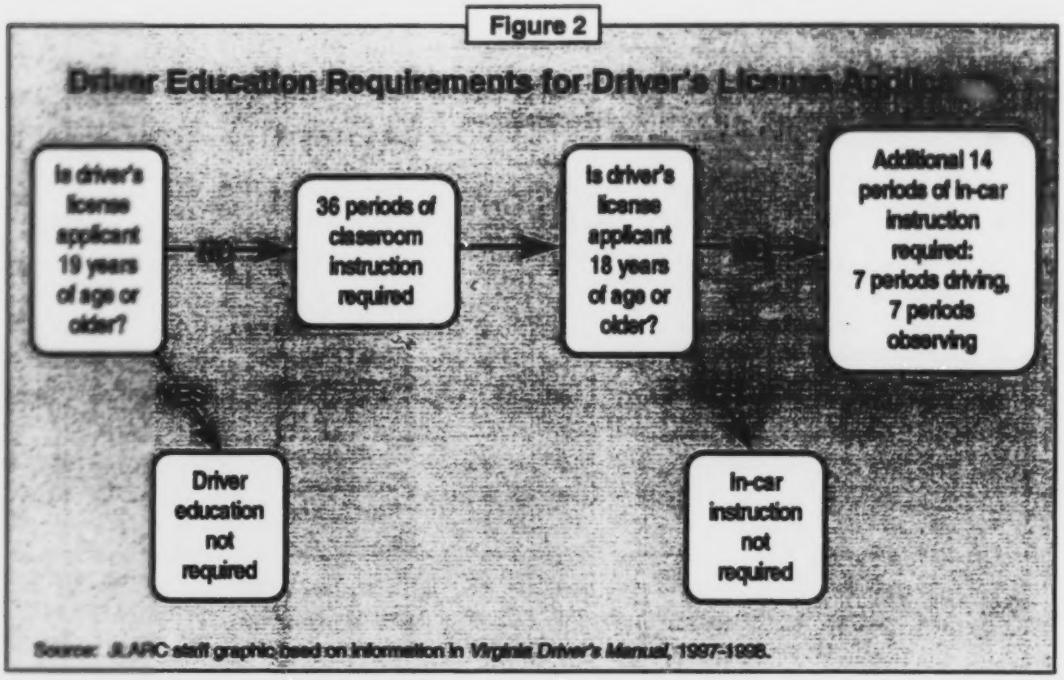
In addition to public schools, private schools and commercial driver-training schools also provide driver education programs that meet the requirements necessary for students to obtain a motor vehicle operator's license. In FY 1997, slightly more individuals under 18 years of age who received their driver's license completed the driver education program through a public school than in a commercial driver-training school (Figure 3). Only about two percent of the drivers under 18 who received their license in FY 1997 completed a driver education program through a program offered in a private school.

DMV Is Responsible for Oversight of Commercial Driver-Training Schools

Prior to 1990, the Board for Commercial Driver Training Schools in the Department of Commerce was the State entity responsible for monitoring commercial driver-training schools. However, the 1990 General Assembly amended the *Code of Virginia* (Sections 46.2-1700 through 46.2-1707) to require that DMV be the agency responsible for the monitoring and oversight of commercial driver-training schools.

Responsibility for monitoring commercial driver-training schools has been assigned primarily to two divisions within DMV (Figure 4). First, the primary administration of the commercial driver-training program is under the transportation safety

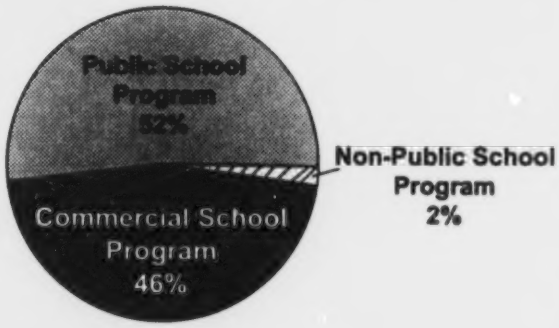
Figure 2


Driver Education Requirements for Driver's License Applicants
Is driver's license applicant 19 years of age or older?
NO
36 periods of classroom instruction required
Is driver's license applicant 18 years of age or older?
NO
Additional 14 periods of in-car instruction required: 7 periods driving, 7 periods observing
YES
Driver education not required
YES
In-car instruction not required

Source: JLARC staff graphic based on information in *Virginia Driver's Manual*, 1997-1998.

Figure 3

Types of Driver Education Programs Completed by Individuals Under 18 Years of Age, FY 1997



Source: JLARC staff analysis of DMV data.

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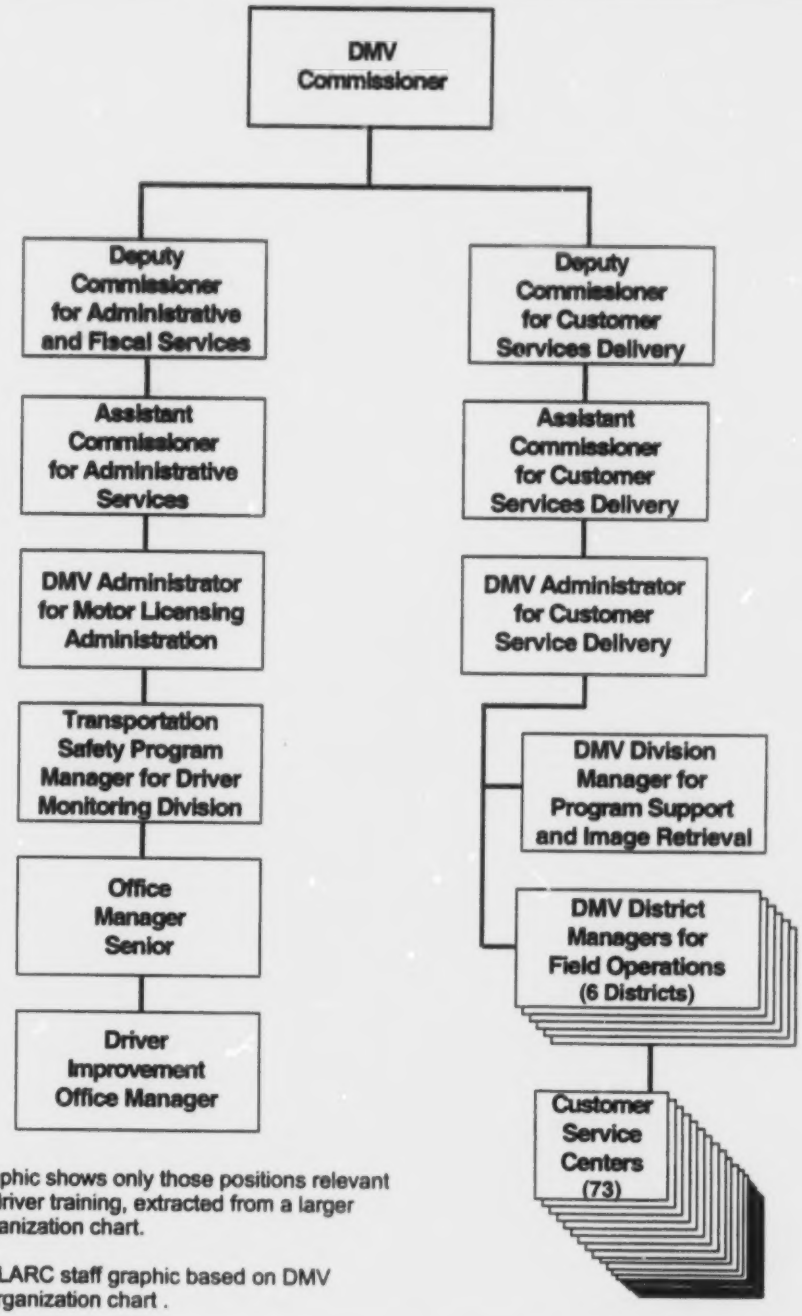
Figure 4

Organization of Commercial Driver-Training School Oversight at DMV


DMV Commissioner
Deputy Commissioner for Administrative and Fiscal Services
Assistant Commissioner for Administrative Services
DMV Administrator for Motor Licensing Administration
Transportation Safety Program Manager for Driver Monitoring Division
Office Manager Senior
Driver Improvement Office Manager
Deputy Commissioner for Customer Services Delivery
Assistant Commissioner for Customer Services Delivery
DMV Administrator for Customer Service Delivery
DMV Division Manager for Program Support and Image Retrieval
DMV District Managers for Field Operations (6 Districts)
Customer Service Centers (73)

Note: Graphic shows only those positions relevant to driver training, extracted from a larger organization chart.

Source: JLARC staff graphic based on DMV organization chart .

program manager of the driver monitoring division. Specifically within this division, commercial driver-training schools are the responsibility of the driver improvement work center.

Staff in this work center process school and instructor licensing applications, conduct follow-up with schools and instructors on licensing issues, and provide requested or required technical assistance. This work center is also responsible for administering the driver improvement and the commercial driver's license (CDL) third party tester programs that covers more than 90 licensed third party tester sites and about 300 licensed driver improvement clinics.

Staff in the customer service delivery division are primarily responsible for carrying out DMV's commercial driver-training school monitoring activities. The DMV division manager for program support and image retrieval coordinates the requirements of the driver monitoring division with selected staff in the local customer service centers. Currently, about 40 staff in the local customer service centers have responsibility for monitoring and oversight activities in the commercial driver-training schools. These staff also have many other duties, including administering the road test for commercial driver's licenses (CDL), providing customer service functions for the branch office, auditing third party tester (CDL) programs, auditing driver improvement program courses, and administering the road test for regular drivers' licenses.

JLARC REVIEW AND REPORT ORGANIZATION

HJR 470 of the 1997 General Assembly directed JLARC to examine the effectiveness of State oversight of commercial driver-training schools by DMV. The mandate further specified that JLARC focus on the licensing and monitoring of such schools. The study mandate required that the study be completed and submitted prior to the 1999 Session of the General Assembly. This section of Chapter I provides a summary of the study issues and research activities for the review, and a brief overview of the report organization.

Study Issues

JLARC staff developed four primary issues for this study. These issues addressed:

- the role of commercial driver-training schools in Virginia,
- the process for providing oversight of commercial driver-training schools in Virginia,
- the adequacy of the statutes and regulations governing commercial driver-training schools, and

- the effectiveness of the implementation of the regulations and policies governing commercial driver-training schools.

Research Activities

Several research activities were undertaken to address the study issues. These activities included two mail surveys, one to DMV staff who audit commercial driver-training schools and one to the operators of licensed commercial driver-training schools in Virginia. In addition, JLARC staff conducted: site visits to a number of schools, structured interviews, and document reviews. JLARC staff also observed DMV staff conducting audits of selected commercial driver-training schools.

Mail Survey of DMV Commercial Driver-Training Schools Oversight Staff. JLARC staff administered a survey to each of the DMV staff who conducted audits of commercial driver-training schools in calendar year 1997. This survey requested information regarding audit activities, issues related to the audit process and regulations, and staff perceptions on factors that might improve the oversight process. Almost 88 percent of the staff responded to the survey.

Mail Survey of Commercial Driver-Training School Operators. JLARC staff also administered a survey to the operators of all DMV-licensed commercial driver-training schools. This survey requested information regarding students served, driver education topics covered as part of the school's instruction, and factors affecting the commercial driver-training school industry. A total of 97 operators returned the survey for a response rate of 71 percent.

Visits to Selected Commercial Driver-Training Schools. JLARC staff conducted site visits to 14 commercial driver-training schools. JLARC staff used the site visits to observe the operations of the various schools and the manner in which they administer driver-training programs. In addition, interviews were conducted with the operators of these schools.

Review of Driver Education Graduates' Automated Driving History Data. For purposes of this review, DMV compiled into a database more than 180,000 driving records of all drivers who completed both the classroom and behind-the-wheel phases of a driver education program during FY 1995 through FY 1997. The data from the driving records used in this analysis were the drivers' involvement in traffic accidents. These data were analyzed to compare the accident rates of graduates of driver education programs for commercial driver-training schools and public and non-public secondary schools.

However, it must be noted that an entry of involvement in an accident on an individual's driver transcript does not indicate that the driver was at fault. The driver transcript data simply reports that a driver was involved in an accident, the date and location of the accident, and whether there was property damage. Nonetheless, this information was the most comprehensive data available on the frequency with which

these recent graduates of driver education training programs have been involved in automobile accidents.

Structured Interviews. Structured interviews were conducted with staff from DMV's central office and selected staff who audit commercial driver-training schools. Interviews with DMV central office staff focused on issues related to systemwide perspectives on commercial driver-training schools, the development and implementation of the oversight process, and issues related to delivery of driver education through commercial driver-training schools. Interviews with DMV staff who conduct commercial school audits addressed many of the same issues, but on a more focused basis, including how the DMV oversight process is implemented by field staff.

Observation of DMV Commercial Driver-Training School Audits. JLARC staff also observed DMV staff conducting annual audits of seven commercial driver-training schools. The purpose of observing these audits was to identify DMV staff's compliance with policies, procedures, and standards; whether the audits were consistently administered across DMV's districts; and the extent to which the audits sufficiently address the operations of commercial driver-training schools.

Document Reviews. JLARC staff reviewed or analyzed a number of documents in conducting this study. Documents reviewed included the reports by the Virginia Highway Transportation Research Council regarding commercial driver-training schools. In addition, the DMV commercial driver-training school audit reports from calendar year 1997 and from audits conducted through March 1998 were reviewed. DMV's policies and procedures for implementing and conducting audits and applicable provisions of the *Code of Virginia* were identified and reviewed.

Report Organization

This chapter has provided an overview of driver education, DMV's role in the commercial driver-training school system, and how JLARC staff conducted this study. Chapter II examines the role of commercial driver-training schools and issues related to their effectiveness. Chapter III examines the adequacy of existing standards and the extent to which changes should be made to ensure commercial driver-training schools provide quality and uniform driver education training. Finally Chapter IV discusses DMV's oversight process and potential options for strengthening the process to ensure it provides DMV with the capability to address issues related to commercial driver-training schools.

II. Role of Commercial Driver-Training Schools and Accident Rates of Their Graduates

Commercial driver-training schools provide classroom and in-car driver education instruction to individuals under 18 years of age and to adults. Due to a number of factors, the role of commercial schools in licensing students has increased significantly since FY 1995. Since that time, driver education programs in secondary schools have not kept pace with the number of students wishing to receive driving instruction. As the result of changes in the State's driver licensing laws, commercial driving schools now have the authority to administer a final road skills test to students, an activity that had once been solely the function of DMV. Consequently, commercial driver-training schools are beginning to train almost as many student drivers as the public school system.

However, analysis of driving record data indicates that graduates of commercial driver education programs are more likely to be involved in a traffic accident than graduates of public or non-public school driver education programs. Analysis of driver record data conducted for this review indicates that students who completed a commercial driver-training school driver education program between FY 1995 and FY 1997 were involved in more than eight percent more traffic accidents than were students who completed a driver education program offered through a public secondary school.

The need for uniform and high quality instruction by commercial driver-training schools is apparent. Although many commercial driver-training schools are effective in preparing student drivers, there are commercial schools that apparently are less effective. To address this, DMV's oversight process should be proactive and consistent systemwide with a goal of ensuring graduates are adequately trained to independently drive an automobile safely.

ROLE OF COMMERCIAL DRIVER-TRAINING SCHOOLS IN VIRGINIA HAS BEEN INCREASING

Licensed commercial driver-training schools have been providing both classroom and in-car driver education to teenage and adult students in Virginia since at least 1969. At the present time, there are more than 135 schools and more than 350 instructors licensed by DMV. Despite the fact that most public schools and many non-public schools offer driver education, commercial driver-training schools are utilized by prospective drivers for any number of reasons including: convenience, quality of instruction, and as a means to complete required driver training for individuals who are not enrolled in either public or private schools.

Two additional factors have also apparently impacted whether students will use commercial driver-training schools. These factors are the inability of public schools to provide in-car training in a timely manner and the requirement that graduates of commercial driver-training schools no longer have to take the road skills test at DMV.

The cumulative impact of these factors has been consistent growth in the commercial driver-training school industry and the importance of their role in preparing the young people of Virginia to drive.

Overview of Commercial Driver-Training Schools in Virginia

Commercial driver-training schools provide driver education services to both teenagers and adults throughout Virginia. Parents and students choose commercial schools as alternatives to driver education programs offered in the secondary schools for a variety of reasons. The rates charged for commercial driver-training programs vary across the State and depend on the type of instruction being given. However, because many public schools now also charge for in-car training, the negative impact of commercial schools charging for this instruction is no longer as strong as it once might have been.

Commercial Driver-Training Schools in Virginia. According to DMV, there are 139 licensed Class B (vehicles under 20,000 pounds) commercial driver-training schools and 356 licensed instructors providing instruction for a regular driver's license in Virginia. In FY 1997, more than 28,000 students completed part of their driver education requirements at a commercial driver-training school. Commercial driver-training schools are located throughout the State, which DMV has administratively divided into six regions.

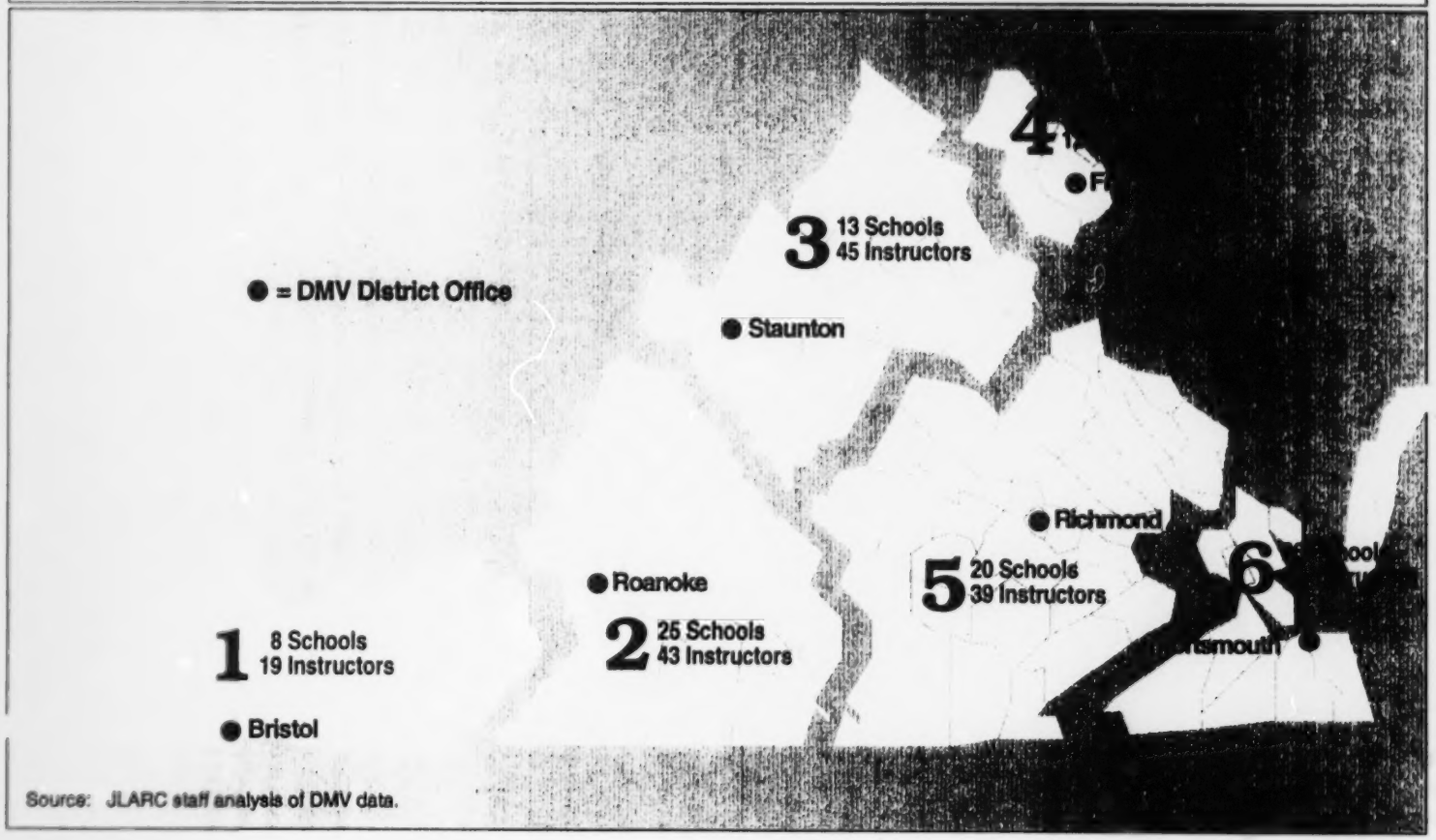
The largest number of licensed schools is located in District Four, which includes: Arlington, Fairfax, Prince William, and Loudoun counties and the cities of Alexandria, Falls Church, Manassas, and Manassas Park. There are 47 licensed schools in the fourth district, which is 34 percent of all schools statewide. The largest percentage of licensed instructors is also located in District Four, where 128 are employed. The location of DMV's district offices, the regional boundaries, and the number of commercial driver-training schools and instructors in each district are illustrated in Figure 5.

Not all commercial schools provide instruction to the same type of student nor do they all furnish both phases (classroom and in-car) of the driver education program. For example, some schools provide only in-car instruction to students, while most, but not all, offer classroom instruction to students under 19. According to DMV, 134 schools, or 96 percent of all schools, are licensed to offer driver education instruction to students under 19 years of age. There are 350 instructors licensed to teach driver education to persons under 19 years old. There are also five commercial schools in Virginia which only provide driver education for disabled individuals.

In addition, four commercial driver-training schools licensed by DMV operate or are headquartered out-of-state. All four schools are either operating in or are headquartered in Maryland. However, these schools are still required to operate in compliance with DMV's commercial driver-training school standards. More than 3,300 students completed driver education at these out-of-state schools between FY 1995 and FY 1997.

Figure 5

Commercial Driver-Training Schools and Instructors, by DMV District



Source: JLARC staff analysis of DMV data.

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Reasons for Selecting Commercial Driver-Training Schools Vary. Several factors have been identified to potentially explain why students and parents choose commercial driver-training schools (Table 1). For example, it has been reported by some commercial school operators that their schools offer a greater degree of convenience for students and parents than do secondary schools. The classroom portion of a driver education program in a public or non-public secondary school can take as long as a semester to complete and students may then have to wait until summer for the in-car phase.

Commercial driver-training schools, conversely, can take as little as four weeks to complete both phases of the program. Also, commercial schools can make completing the in-car portion of their programs easier for the student and the parents. For example, some commercial schools will pick up the student from their home or school (even during study hall), after school, and on weekends.

Table 1

Commercial Driver-Training School Operator's Opinions on Factors for Choosing a Commercial Program

Question: In your opinion, which of the following are factors in a student's decision to utilize a commercial driver-training school?

Factors Involved in Choosing a School	Percentage of Operators
In-car instruction is not offered in a timely manner at local high school(s)	76%
Convenience for parents / family	70
In-class training is not offered in a timely manner at local high school(s)	45

Number of Respondents = 94

Source: JLARC staff analysis of data from the Survey of Commercial Driver-Training School Operators, April 1998.

Some operators have also stated that the level of personal instruction is greater at commercial driver-training schools than public or non-public secondary schools. For instance, a public school may have a student drive on the school's driving range four times and on a public road three times. When utilizing a range, the driving instructor observes several cars at once from a centralized location. On the other hand, students at a commercial school will more than likely spend all their time driving on a public road and the driving instructor will accompany them in the car.

Commercial schools also provide an alternative for students who are not served by the driver education programs in the public or non-public secondary schools. These include students who may have failed or been held back a grade, but will be 16 years old before they can attend their school's driver education program. Persons who have dropped out of school but are still under 19 years of age are also served by commercial schools. In

addition, home school students can find an alternative for driver education in commercial schools. Finally, there are some students who choose not to use an elective to take driver education in their high school and will likely take driver education through a commercial school.

Cost of Commercial Driver Education Programs. Commercial driver-training schools charge their students based upon the type or level of instruction provided. These charges also vary depending on the age of the student, since persons between 18 and 19 years of age are not required to take the in-car portion of driver education. Schools typically charge one rate based on whether a student attends the classroom portion only, another for the in-car portion only, and a third for both classroom and in-car instruction. Public schools, on the other hand, charge only for the in-car portion of the program.

Table 2 shows the range of rates charged for all three types of instruction available. Data from the JLARC staff survey of commercial driver-training school operators indicates that in the first quarter of calendar year 1998, the cost of a classroom program was between $60 and $235, with a median price of $130. The median price for 14 periods of in-car instruction, according to the survey responses, was $150, while prices ranged from $80 to $275. Finally, prices for both classroom and in-car instruction ranged

Table 2

Prices for Commercial Driver-Training Programs April 1998

	Classroom Only	In-Car Only	Both
High Price	$235	$275	$400
Median Price	$130	$150	$235
Low Price	$60	$80	$150

Note: Schools that provide training for persons with specialized needs may charge more than the amounts shown in this table.
Source: JLARC staff analysis of data from the Survey of Commercial Driver-Training School Operators, April 1998.

between $150 and $400. The median price charged for both phases of instruction was $235. Many of the secondary schools in the State also charge for the in-car phase of driver education. The median price charged by public schools for in-car training during school year 1996 - 1997 was slightly more than $75, according to data provided by the Department of Education (DOE). Therefore, public schools charge, on average, about half of what commercial schools charge. Previously, having to pay for driver education training was viewed negatively; however, that factor has been lessened by most public schools charging for in-car training.

Public Schools Have Difficulty Meeting Demand for Driver Education Training

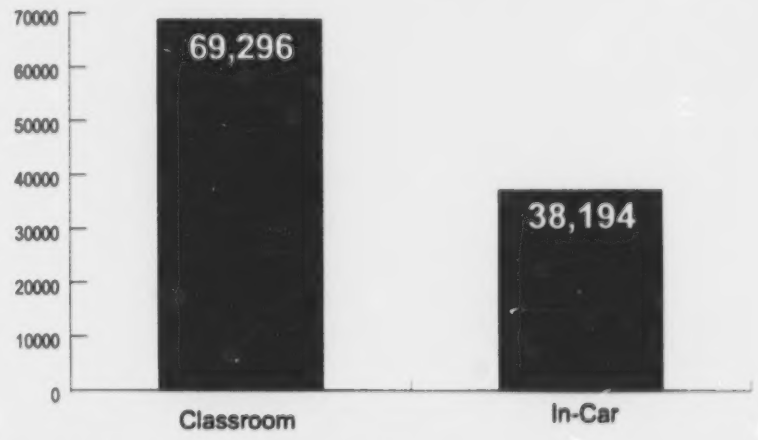
The number of students receiving licenses after completing driver education through their secondary schools has increased by almost 65 percent since FY

1995 according to DMV. Currently, there are over 280 public schools offering driver education. Most of these schools offer driver training as part of health education. However, 12 school divisions offer driver education as a separate semester-long class, consisting of 90 periods, which includes the in-car phase.

Nonetheless, public schools appear to be having difficulty providing enough spaces, primarily for in-car training, to keep up with the demands of students. Analysis of DOE data indicates, for example, that the schools in Virginia provided classroom instruction to more than 69,000 students during the 1996 - 1997 school year. However, only slightly more than 38,000 students received in-car training through the public schools for the same period (Figure 6). Therefore, more than 31,000 students had to wait for a slot for in-car training or consider other alternatives, such as commercial driver-training schools.

Figure 6

Number of Students Completing a Driver Education Program in a Public School
(By Program Type, School Year 1996-97)



Source: DOE staff, and JLARC staff analysis of DOE 1996-97 driver education status questionnaire data.

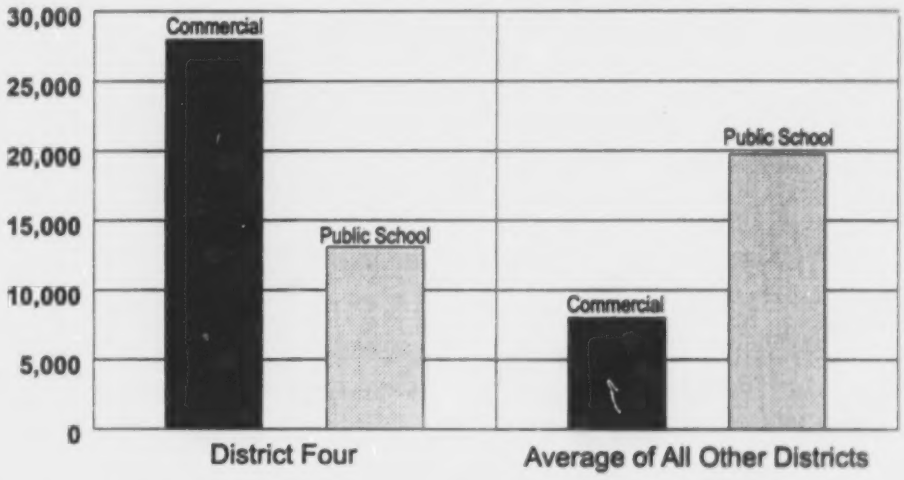
This is especially evident in the Northern Virginia region, or DMV's fourth district. For students who completed a driver education course from FY 1995 through FY 1997, commercial driver-training schools in this district provided in-car driver education to 113 percent more students than did the public schools in that district for the same time period (Figure 7). In contrast, public schools in the remaining five districts provided in-car instruction to significantly more students than the commercial schools, on average, over the same period.

Several factors apparently act to reduce the ability of public schools to meet demand for in-car training. First, maintaining a fleet of cars for driver education can be

Figure 7

Number of Driver Education Program Graduates Compared: District Four to Average of All Other Districts

(During FY 1995-1997 Period, by Commercial and Public School Program)



Note: District Four includes Arlington, Fairfax, Prince William, and Loudon Counties and the Cities of Alexandria, Fairfax City, Falls Church, Manassas, and Manassas Park.
Source: JLARC staff analysis of DMV driver history records.

costly. Second, due to scheduling constraints, public schools can only offer in-car instruction at certain times. However, students may wish to get their licenses as soon as possible. For example:

> *Twenty-three schools in Fairfax County provided classroom driver education instruction to more than 10,000 students during school year 1996 - 1997. However, these schools provided in-car instruction to slightly more than 1,900 students. According to data from DOE, the majority of schools in Fairfax County provide in-car training after school and during the summer only.*
>
> * * *
>
> *In the Montgomery County public schools, the in-car portion of driver education is only offered in the summer. During school year 1996 - 1997, only 13 percent of the 991 students who received classroom instruction also received in-car instruction from their public school in that school year.*

In addition, the public school system in some localities did not offer in-car driver education training during school year 1996 - 1997. Therefore, in the cities of Alexandria, Falls Church, and Portsmouth, and in York County, commercial schools are the primary alternative to required in-car training.

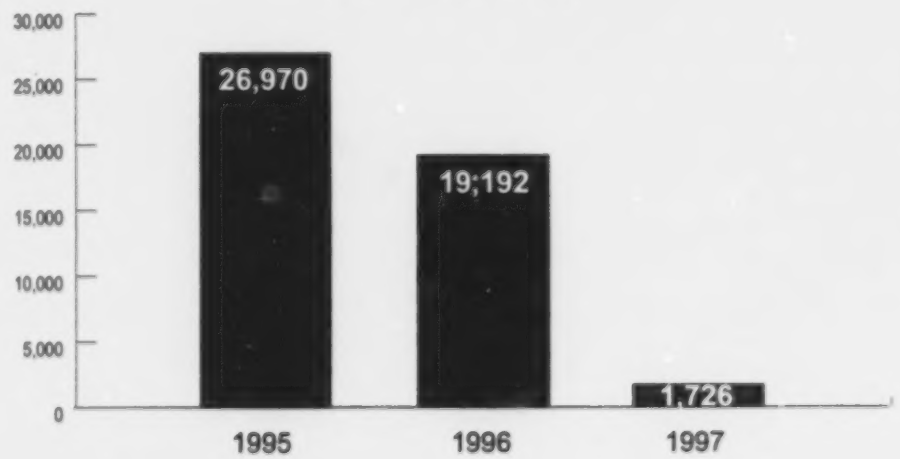
Commercial Driver-Training Schools Now Administer the Road Skills Exam

Prior to 1995, the driver's license road skills exam was administered only by DMV. As a result of 1995 amendments to the *Code of Virginia*, commercial driver-training schools are now authorized to administer the road skills test to students under 18 years of age. (Public school driver education programs are also authorized to administer the road skills test to driver training students.) As a result, a prospective driver, who completes the necessary in-class and in-car instruction program, can now obtain their operator's license without having the road skills test administered by DMV. According to DMV, the road skills test is now administered at the end of the in-car phase of the driver education program.

This change has had a clear impact on DMV. The number of driver's license road tests conducted by the department for persons under the age of 18 has decreased significantly. As illustrated in Figure 8, DMV administered 94 percent fewer road tests to individuals under 18 in FY 1997 as compared to FY 1995. During FY 1997, DMV reported administering 1,726 road skills exams to people under the age of 18; however,

Figure 8

Number of DMV-Conducted Road Test Exams for Persons Under Age 18
(Fiscal Years 1995-97)



Source: JLARC staff analysis of data from DMV.

the department issued licenses to more than 28,000 students under 18 years of age from commercial driver-training schools during the same time period.

Role of Commercial Driver-Training Schools Has Been Increasing

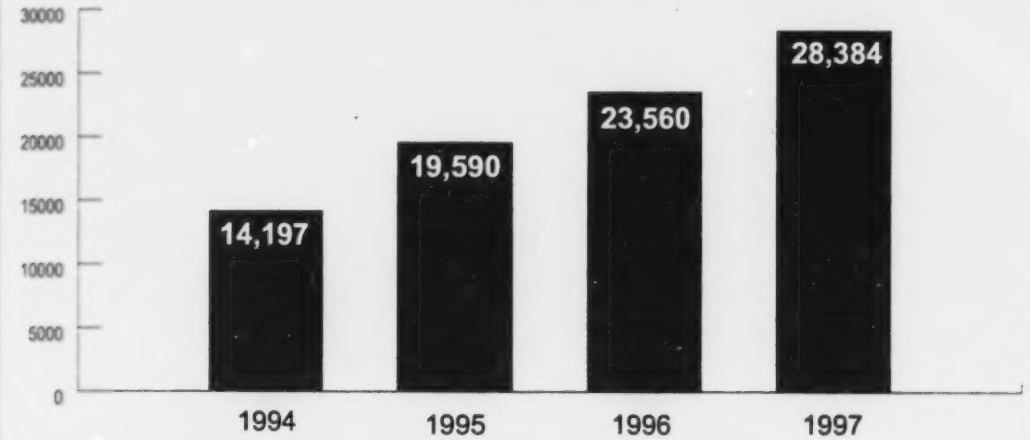
As a result of the 1995 *Code of Virginia* change, commercial driver-training schools were authorized to administer the road skills exam to individuals under the age of 18 who have successfully completed a driver education course. This change clearly enhanced the role of commercial schools in the driver education and driver licensing process. Combined with the aforementioned inability of the public schools to provide enough space in a timely manner for in-car instruction, the number of individuals using commercial driver-training schools, as well as the number of schools, in Virginia has increased steadily.

For example, there are 139 licensed commercial driver-training schools currently operating in Virginia that offer instruction for a regular driver's license. This represents an increase in the number of licensed commercial school programs of more than 100 percent since 1985, when only 69 schools were operating. Reflective of the increase in the number of schools, the number of students attending a commercial driver-training school has grown substantially over the last three years. As illustrated in Figure 9, the number of students receiving a driver's license after completing at least the in-car portion of the driver education requirements at a commercial driver school represents an increase of 100 percent since FY 1994.

Figure 9

Licenses Issued to Drivers Under 18 Who Completed a Commercial Driver-Training School

(Fiscal Years 1994-97)



Source: JLARC staff analysis of data from DMV.

ACCIDENT RATES OF COMMERCIAL DRIVER-TRAINING SCHOOL GRADUATES ARE HIGHER THAN OTHER INSTRUCTIONAL PROGRAMS

One way to represent the effectiveness of commercial driver-training school graduates is to compare their involvement in accidents with graduates of driver education programs in public and non-public secondary schools over time. Previous analysis in this area in the early 1980's reported that commercial driver-training school graduates were more likely to be involved in traffic accidents than either public school or private school driver education graduates.

The current analysis of the driving records of individuals who graduated from a driver education program from FY 1995 through FY 1997 indicates that some of these past differences in accident rates have remained. A number of potential factors that may account for some of the differences in accident rates have been identified. Nonetheless, the variation of accident rates among individual commercial driver-training schools is still substantial enough to warrant proactive and systematic monitoring of these schools by DMV to ensure that drivers licensed through these programs are properly prepared to safely drive a motor vehicle unsupervised.

Commercial Driver-Training School Graduates Are More Likely to Be Involved in a Traffic Accident

As part of the review of DMV oversight of commercial driver-training schools, JLARC staff completed an analysis of the accident rates of all drivers under the age of 22 who completed a driver education program between FY 1995 and FY 1997. The accident data used in this analysis were all reported accidents which occurred between July 1994 through approximately March 1998.

According to State Police staff, reportable accidents are those involving death, bodily injury, or property damage greater than $1,000. It is required that an accident meeting one or more of these criteria be reported to a law enforcement organization. The law enforcement organization is then required by §46.2-373 of the *Code of Virginia* to file a report with DMV.

The type of driver education program completed by each driver and used in this analysis is applicable only to in-car training. At this time, DMV only records the type of school attended for the in-car portion of the driver education program in its automated system. However, driver education students have the ability to attend different types of schools to obtain the classroom and in-car portions of the program.

As a result, students who completed the in-car portion of the instruction at a commercial school may have taken the classroom portion in a public or non-public school. Moreover, students could have taken the classroom phase at a commercial school and the in-car at a public or non-public school. However, for this analysis it was not possible

to control for students taking portions of the driver education program at different types of schools.

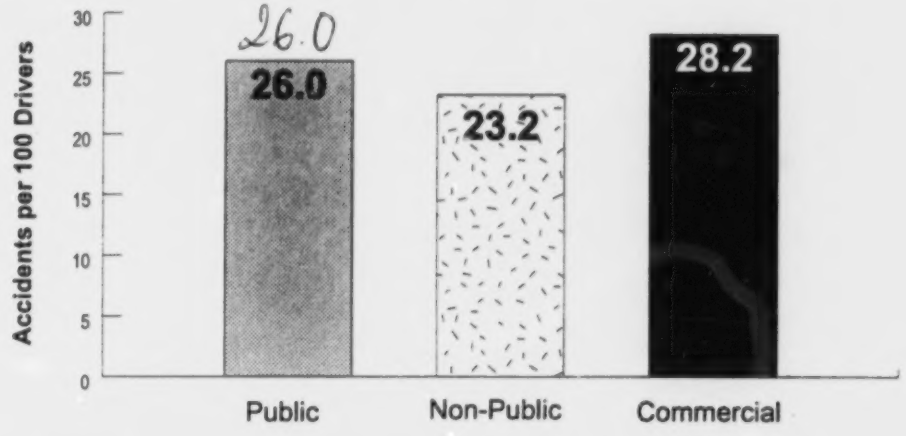
This analysis of the full population of reported accidents indicated that drivers who received their instruction from a commercial driver-training school were more likely to be involved in an accident than were graduates of either public or non-public school driver education programs. The analysis also indicates that the type of school attended and the gender of the driver play significant roles in determining accident rates. For example, graduates of commercial schools were involved in more than eight percent more accidents per 100 drivers than graduates of other types of driver education programs. In addition, male drivers were involved in more than 20 percent more accidents per 100 drivers than female graduates, regardless of the type of driver education program the student attended. These findings are consistent with the findings from a similar analysis conducted by the Virginia Highway and Transportation Research Council in the early 1980's.

Accident Rates Vary by School Type. JLARC staff first examined the accident rates of drivers based on the type of driver education school attended. This analysis indicates that commercial driver-training school graduates were involved in more than 8 percent more accidents per 100 drivers than public school graduates (Figure 10). Specifically, in-car graduates of commercial schools were involved in more than 28 accidents per 100 drivers. Meanwhile, drivers who received in-car driver education in public schools were involved in about 26 accidents per 100 drivers. Finally, drivers who

Figure 10

Accident Rates by School Type

Fiscal Years 1995 - 1997



Note: Data for drivers who completed a driver education program from FY 1995 through FY 1997.
Source: JLARC staff analysis of DMV driver history records.

received in-car driver education in non-public schools were involved in the least number of accidents at only 23 per 100 drivers. However, it must be noted that some private schools have their driver education programs administered by commercial driver-training schools. For example, one large commercial school in Northern Virginia provides both classroom and in-car driver education training in six private schools.

Furthermore, accident rates among commercial driver-training school graduates are not necessarily a function of more graduates living in urban areas. As Figure 11 illustrates, many commercial driver-training school graduates living in DMV districts with high population densities have relatively low accident rates per 100 drivers compared to similar drivers in districts which are more rural in nature.

Accident Rates of Driver Education Graduates Vary by Gender. Accident rates among male and female graduates of driver education programs are different, regardless of the type of school attended. The accident rates of males and females by school type are shown in Figure 12. Both commercial and public school male graduates were involved in more accidents per 100 drivers compared to female driver education graduates. In fact, male public school graduates had a higher accident rate than female commercial school graduates. Specifically, the rates at which male drivers were involved in accidents was 24 percent higher for male drivers than for female drivers.

Figure 11

DMV District Accident Rates Compared

Fiscal Years 1995 - 1997

Note: Accident rates are per 100 drivers.

Source: JLARC staff analysis of DMV driver history records; U.S. Department of Commerce, *Summary Population and Housing Characteristics*; and Weldon Cooper Center for Public Service, *VaStat*.

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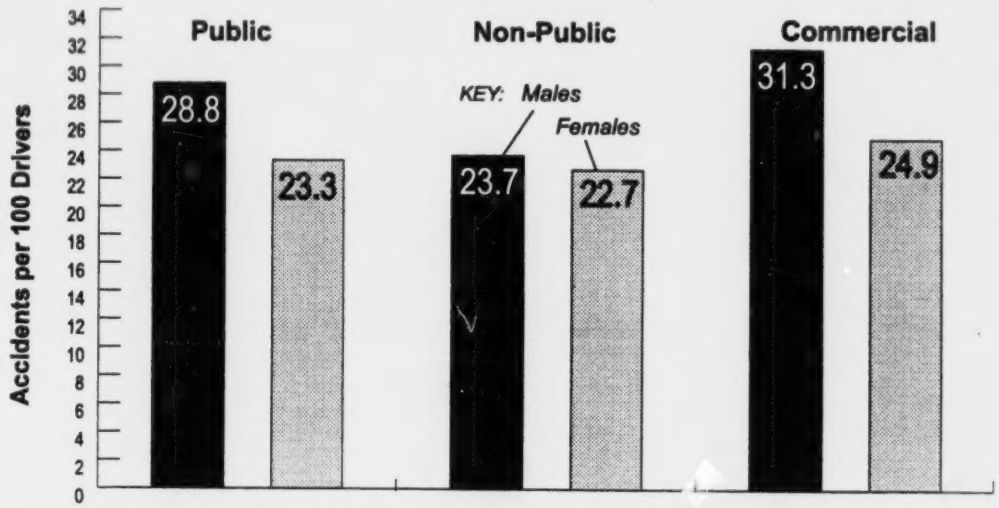
More male than female drivers attended commercial driver-training schools, at least for the in-car phase of the program (based on the FY 1995 through FY 1997 period reviewed for this analysis). About 51 percent of the drivers completing the in-car phase in commercial schools were male, compared to 49 percent in the public schools' driver education programs. Conversely, more female than male drivers (51 percent females to 49 percent males) attended public schools for the in-car phase of their driver education program during this period. However, as Figure 12 shows, some variation still exists after gender is taken into account. The accident rate was nine percent higher for male commercial driver-training school graduates compared to male public school graduates. The accident rate for female commercial school graduates was seven percent higher than for their public school counterparts.

Figure 12

Accidents by Gender and School Type

Fiscal Years 1995 -1997



Note: Data for drivers who completed a driver education program from FY 1995 through FY 1997.
Source: JLARC staff analysis of DMV driver history records.

Several Factors May Account for Some of the Differences in Accident Rates of Driver Education Graduates. In addition to gender, several other factors may explain the higher accident rates among commercial driver-training school graduates. First, commercial school operators reported that they may have students who may be more difficult to teach because the students dropped out of school or have even been removed from school.

Second, commercial driver-training schools reported that they also have students who have had no prior experience with operating a motor vehicle. As a result,

rather than embarrass themselves in front of their peers, these students will attend a commercial driving school instead of going through the program at their local school. Finally, formal training and subsequent certification as a teacher may also be a factor in the effectiveness of a driver education program. Unlike public schools, not all commercial driver-training school instructors have this formal training.

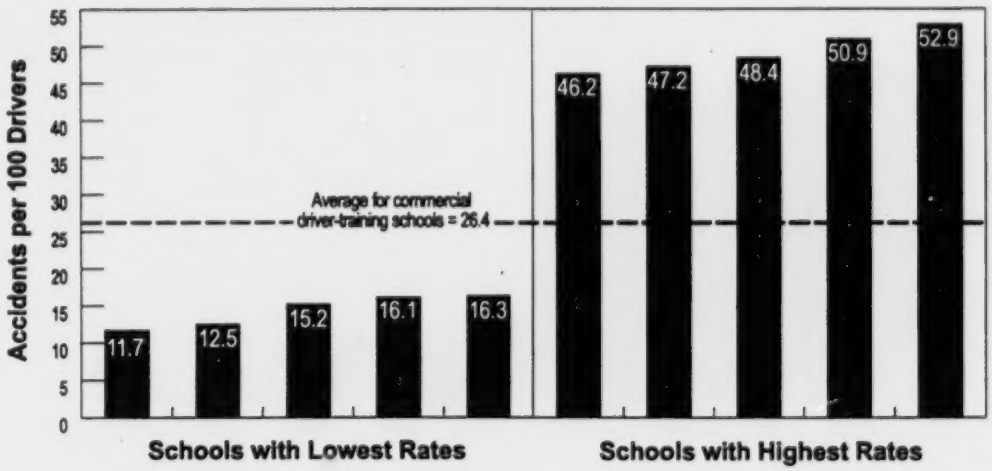
Accident Rates Vary Among Commercial Driver-Training Schools

Although commercial school graduates as a group had the highest accident rate of the three types of schools analyzed for this study, there was substantial variation in the accident rates of drivers from the individual commercial driving schools. This finding is highlighted in Figure 13, which represents individual schools with the five lowest and highest accident rates per 100 drivers systemwide between FY 1995 and FY 1997. Accident rates for the public schools show similar variations, ranging from 13 to 38 accidents per 100 drivers.

Figure 13

Five Lowest and Highest Accident Rates by Commercial Schools

Fiscal Years 1995 - 1997



Notes: Data for drivers who completed a driver education program from FY 1995 through FY 1997. Graph data does not include 17 schools that graduated fewer than 20 people during the period.
Source: JLARC staff analysis of DMV driver history records.

The average accident rate for all commercial driver-training schools with more than 20 graduates for this time period was more than 26 accidents per 100 drivers. Therefore, even though commercial school graduates tend to be involved in more accidents than other graduates, the rates of some individual schools are significantly less.

On the other hand, the rate at which graduates of some commercial driver-training schools are involved in accidents is significantly higher than the systemwide average.

As with the statewide analysis conducted earlier in this chapter, the location of the commercial schools that have the highest and lowest accident rates varies across the State. For example, three of the five schools with the lowest accident rates were in either DMV's fourth or sixth districts. These districts also have the two highest average population densities. Conversely, two of the schools with the highest accident rates are located in District Two, which has the second lowest average population density.

CONCLUSION

As discussed in this chapter, the role of commercial driver-training schools in preparing young drivers to independently operate a motor vehicle safely is increasing. For a number of reasons, including the fact that commercial driver-training schools have the ability to administer a road skills examination, students and their parents are choosing to take a portion of the required driver education program through a commercial program in substantially increasing numbers. As a result, commercial driver-training schools effectively licensed more than 28,000 students under 18 years of age to independently operate an automobile.

While most commercial driver-training schools appear to provide uniform and high quality instruction to students, others may not. Involvement in accidents by graduates of commercial driver-training schools occurred at a higher rate during FY 1995 through FY 1997 than for other instructional programs. In addition, there is substantial variation in the accident rate among individual commercial driver-training schools.

The need for uniform and high quality instruction by commercial driver-training schools is apparent. In addition, the quality of instruction must be consistent statewide to ensure that young prospective drivers are properly trained to safely drive an automobile independently. To accomplish this, DMV's oversight process should be proactive, well-organized, and consistent systemwide. While DMV implemented a systematic process in 1997, the discussion in the remaining chapters has identified areas that changes can be made to enhance the current process with a goal of ensuring consistent and high quality instruction.

III. Regulation of Commercial Driver-Training Schools

The Department of Motor Vehicles (DMV) became the agency responsible for the oversight and monitoring of commercial driver-training schools in 1990. As noted in Chapter II, the role of the commercial driver-training schools in training and licensing young drivers is growing rapidly in Virginia. Therefore, the intent of the commercial driver-training school regulations should be to ensure uniform and high quality instruction in commercial schools statewide as well as to ensure the safety of the students.

To accomplish this goal, the existing commercial driver-training school standards need to be strengthened so that DMV can proactively ensure uniform and quality instruction in all commercial schools. For example, the current requirements for the documentation of in-car instruction limits DMV's ability to verify the proper quantity and quality of instruction. In addition, new standards need to be developed to ensure that commercial driver-training school requirements reflect recent changes in the *Code of Virginia*.

Finally, the current process for addressing schools' noncompliance with standards is lengthy and leads to situations in which schools in the disciplinary process can continue to operate while in violation of regulations. DMV needs greater flexibility to use its existing enforcement powers in instances when violations of standards could result in inadequate or poor quality instruction or threaten the safety of students. In conjunction with this, additional intermediate sanctions should be available for DMV to address specific violations or problems without suspending, revoking, or denying licensure.

OVERVIEW OF DMV'S COMMERCIAL DRIVER-TRAINING SCHOOL REGULATIONS

Although commercial driver-training schools are privately-owned and operated, the *Code of Virginia* requires that these schools be subject to regulation and oversight by DMV. In addition, DMV is the agency responsible for the promulgation of commercial driver-training school standards. These standards require certain conditions be met by commercial driver-training schools in order to be licensed by the department.

Prior to July 1990, the Board for Commercial Driver Training Schools was responsible for promulgating standards for the commercial driving school industry. After assuming responsibility for commercial driver-training schools, DMV amended the Board's standards and, in part, made them more comprehensive. Additional requirements are evident in the areas of general administration, instructor licensing, practice expectations and discipline, and curriculum standards. Although the current standards are more comprehensive than those used by the Board for Commercial Driver Training

Schools, most commercial school operators have reported that DMV's current regulations are reasonable.

DMV Is Responsible for Promulgating Commercial Driver-Training School Standards

Prior to 1990, the Board for Commercial Driver Training Schools was originally responsible for promulgating standards for the commercial driving school industry. The regulations promulgated by the Board were generally brief and quite broad. While they did give some guidance, they were not comprehensive in regulating the schools. In 1990, the General Assembly amended the *Code of Virginia* (Sections 46.2-1700 through 46.2-1707) to require that DMV be the agency responsible for the monitoring and oversight of commercial driver-training schools. Subsequently, DMV developed standards that provide the department with the framework to monitor these schools.

Standards are necessary to provide guidance to commercial driver-training schools as well as enable DMV to provide oversight. For example, without standards, commercial driver-training schools would not receive uniform guidance regarding the administration of their business practices, or the curriculum and type of instruction driver education students should receive. In addition, the standards also enable DMV to monitor both the uniformity and quality of instruction being provided to students. For example, DMV staff use a checklist largely based on the requirements in the standards to verify schools' compliance with the promulgated regulations.

The majority of DMV's standards fall into the categories of general administration of the school, instructor licensing, curriculum, and practice expectations and discipline. Standards in each of these sections have become more comprehensive and are a more useful tool for monitoring commercial driver-training schools.

General Administration Standards. Standards in the general administration category address the facilities used for the school, record-keeping practices, and the equipment and materials used for both the in-class and the in-car portions of the driver education course. The standards developed by the Board for Commercial Driver Training Schools did cover some general administrative functions. However, DMV significantly expanded the requirements in this section.

For example, the Board only required schools to maintain a place of business. This allowed schools to be operated out of the owner's home. Effective January 1993, schools must maintain an established place of business devoted exclusively to school use. In addition to a physical place of business, DMV now mandates that commercial schools provide each student with a minimum of ten square feet of classroom space, restroom facilities, and seating and writing surfaces for each student.

Instructor Licensing Standards. Another important section of the standards address instructor licensing. Under the Board for Commercial Driver Training Schools, the standards were very limited and provided minimum guidance. For in-

stance, instructors were required to have five years of driving experience and to hold a valid Virginia motor vehicle operator's license. In addition, instructors' driving records were not to exceed six demerit points.

However, DMV made several additions to the instructor licensing standards. For example, DMV requires that instructors successfully complete certain college classes in driver education in order to obtain a license to teach in a commercial driver-training school. Additional DMV instructor standards and how they compare to the Board's instructor qualifications are highlighted in Exhibit 2.

Exhibit 2

Comparison of Selected Instructor Requirements Under the Board for Commercial Driver-Training Schools and DMV

Requirement	Board for Commercial Driver Training Schools (Prior to 1990)	DMV (Since 1990)
High school diploma or equivalent		✔
Five years driving experience	✔	✔
Criminal background check	✔	
No conviction in the last 18 months for DUI, vehicular homicide, or refusal to submit to breath or blood test		✔
No convictions for a felony, including bribery, forgery, fraud, or embezzlement or an offense included in Chapter 4, Article 7 of Title 18.2 of the *Code of Virginia*		✔
Have a driving record not exceeding six demerit points	✔	✔
Individuals seeking to teach students over 19 years of age need to complete a college course (3 credit hours) in driver education		✔
Individuals seeking to teach students under 19 years of age need to complete two college courses (6 credit hours) in driver education		✔

Source: JLARC staff analysis of standards from DMV and the Board for Commercial Driver Training Schools.

Curriculum-Related Standards. The final area of standards are related to the schools' curriculum for the classroom and the in-car portions of instruction. Curriculum-related standards were generally non-existent under the Board for Commercial Driver Training Schools. However, DMV has mandated certain requirements in this area, especially for schools teaching students under 19 years of age. The *Code of Virginia* requires that commercial driver-training schools' course curriculum "be of comparable content and quality to that offered in the Commonwealth's public schools."

To implement this requirement, DMV has promulgated a number of regulations. For example, DMV specifically requires that:

- instruction include information related to the impact of alcohol and drugs on the operation of a motor vehicle,
- instruction include a discussion of the seat belt laws of Virginia and basic information on seat belt use, and
- the minimum hours of instruction for students under 19 years of age meet the provisions of the *Curriculum Guide for Driver Education in Virginia*.

Finally, the *Curriculum Guide for Driver Education in Virginia* requires that the classroom portion of the course provide instruction in 17 subject matter areas (Exhibit 3).

Exhibit 3

Board of Education Required Subject Matter Areas in Driver Education Programs

• Road Hazards	• Natural Forces
• Protective Systems	• Route Planning
• Legal Responsibilities	• Vehicle Controls
• Time-Space Management	• Responding to Emergencies
• Systems of a Motor Vehicle	• Effects of Alcohol and Other Drugs
• Influences on Driver Behavior	• Identify, Predict, Decide, and Execute
• Personal Transportation Needs	• Interacting With Other Highway Users
• Highway Transportation System	• Signs, Signals, Markings and Right-of-Way Rules
• Being Prepared for Hazards and Emergencies	

Source: JLARC staff analysis of Department of Education's Curriculum Guide for Driver Education in Virginia.

Practice Expectation and Discipline Standards. An additional category of standards include those that relate to school practice expectations and discipline measures. In general, the requirements in this section formalize that non-compliance with any of the standards could impact the operator's ability to provide service through the

commercial driver-training school. The number of standards in this section has more than tripled since DMV was assigned oversight responsibility for commercial driver-training schools. Furthermore, many of DMV's current standards are substantive additions.

For example, DMV has standards that enable it to revoke or deny a license for conviction of driving under the influence, reckless driving, criminal sexual assault, or other similar laws of any state. In addition, a civil penalty may be assessed against a school for violating the standards, but the fine for each violation may not exceed $1,000.

Most Commercial School Operators Feel Current Regulations Are Reasonable

As noted previously, JLARC staff administered a survey to 137 commercial driver-training school operators concerning the regulations governing the schools and their perceptions about DMV oversight and monitoring. There were 97 responses received for a response rate of 71 percent.

Table 3 shows the commercial driver-training schools' operators responses to the statement "DMV's regulations governing commercial driver-training schools are reasonable." Almost 90 percent of the respondents either agreed or strongly agreed with this statement. Systemwide, it appears that DMV's standards are perceived to be reasonable and operators do not seem to be expressing a sense of over-regulation.

Table 3

Commercial Driver-Training School Operators' Opinions Regarding the Reasonableness of DMV's Regulations

Statement: DMV's regulations governing commercial driver-training schools are reasonable.

Strongly Agree %	Agree %	Disagree %	Strongly Disagree %
26	64	10	1

Number of Respondents = 94

Note: Percentages may not add to 100 due to rounding.
Source: JLARC staff analysis of data from the Survey of Commercial Driver-Training School Operators, April 1998.

DMV Plans to Revise the Commercial Driver-Training School Regulations

As reported earlier, the current commercial driver-training school regulations have been in effect since January 1993. Moreover, these standards have been the only

substantive revision to the regulations since DMV assumed responsibility for commercial driver-training schools in July 1990.

However, DMV did file a notice of intended regulatory action in May 1996 to consider amending the commercial driver-training school regulations. The department noted at that time that the anticipated changes would be to delete unnecessary language or to clarify requirements. DMV staff reported that they delayed taking any action with the standards at that time in part to assess whether additional changes might be needed to the standards based on the results of the current JLARC review. DMV staff reported that they anticipate initiating action to revise the current standards some time this year.

SELECTED COMMERCIAL DRIVER-TRAINING SCHOOL STANDARDS NEED TO BE STRENGTHENED

The Department of Motor Vehicles' commercial driver-training school standards provide the framework for assessing the uniformity and quality of instruction in commercial schools. They are the primary criteria that DMV staff use to evaluate the curriculum and the business operations of the commercial driver-training schools. Because the standards are fundamental to DMV's oversight process, they must be clear, comprehensive, and measurable to meet the needs of DMV staff who audit and monitor the schools.

JLARC staff analysis of the DMV standards in this area indicates that some of the current standards lack clarity or are inadequate to ensure effective oversight of commercial driver-training schools. For instance, student training vehicle standards should be revised to ensure that automobiles used for student training are continually maintained in safe mechanical condition. In addition, standards concerning advertising need to be improved to provide the public with accurate information regarding commercial driver-training school licensing. Further, additional instructor requirements should be provided to ensure that instructors are of high quality and present no apparent risks to students.

Standards Related to School Vehicles Need to Be Revised to Facilitate Safety

Currently, DMV standards state that "every school shall provide all the necessary equipment ... including motor vehicles that are in safe mechanical condition." Yet, there is no clear definition of what constitutes safe mechanical condition that operators or DMV staff can use to objectively evaluate whether school vehicles meet this standard. In addition, for safety purposes schools are required to equip the vehicles with dual brakes, dual inside rearview mirrors, a dual clutch (if the vehicle has a standard transmission), and right and left-hand outside mirrors. However, current standards do not directly require schools to equip their vehicles with other routine safety equipment,

such as flares, flashlights, or a fire extinguisher, that would be useful in the case of an emergency.

Clear Definition of Safe Mechanical Condition Should Be Developed. Current standards require that vehicles used by commercial driver-training schools for in-car instruction have school specific equipment such as dual mirrors, dual brake/clutch, and proper signage. In addition, the vehicle must be insured, have a valid registration, have a valid State safety inspection sticker, and be in "safe mechanical condition."

The requirements that the car be insured and have valid registration and State safety inspection stickers are quite clear with little or no ambiguity. However, what constitutes safe mechanical condition of a motor vehicle is not as clear. As a result, this can present difficulties for DMV staff when potentially unsafe vehicle conditions are present. For example:

> *During an audit of a commercial driver-training school, JLARC staff found that a vertical crack was present in the center of the windshield. When asked if the crack was a concern, the DMV staff person replied that the vehicle had a valid State inspection sticker. He noted that if the crack was a problem, it would be addressed during the vehicle's next State safety inspection which would not be required for another four months.*

This highlights the problem with the term "safe mechanical condition." It is difficult for DMV staff to objectively assess what constitutes safe mechanical condition.

When questioned, some DMV staff reported that whether the vehicle had a valid State inspection sticker was the only requirement that they could use when assessing the safe mechanical condition of commercial school vehicles. However, the State vehicle inspection is required only once every 12 months and commercial driver-training school vehicles can be subject to substantial use, and subsequently wear, over that period of time. In fact, one commercial driver-training school operator reported that it was not unusual for his school to put 70,000 miles on its car in one year. Clearly, wear on a commercial school vehicle's mechanical components might be substantially greater than on a typical passenger vehicle.

A definition of what constitutes safe mechanical condition should be incorporated into the commercial driver-training school standards. For motor vehicles, the State's motor vehicle safety inspection standards provide the most objective basis for determining whether a vehicle is in safe mechanical condition. Therefore, a definition of safe mechanical condition should state that safe mechanical condition means the vehicle is in continual compliance with the *Virginia State Inspection Requirements for Passenger Vehicles up to 10,000 Pounds*. This would provide both DMV staff and school operators with an objective basis for determining whether a school's vehicle is in appropriate condition for use as a training vehicle.

Recommendation (1). **The Department of Motor Vehicles should amend §1.1 of the *Commercial Driver Training School Regulations* to add a definition of safe mechanical condition for motor vehicles used to train students. This definition should clearly state that the training vehicles shall be in continual compliance with the *Virginia State Inspection Requirements for Passenger Vehicles up to 10,000 Pounds*.**

Vehicle Safety Equipment Requirements Should Be Incorporated in Standards. Current DMV standards do not contain any direct requirement that commercial driver-training schools are to carry any type of safety equipment in their training vehicles. However, vehicle safety equipment is a section of the in-car requirements in the *Curriculum Guide for Driver Education in Virginia*. Currently, the extent to which all commercial driver-training schools have safety equipment in training vehicles is not clear, since it is not required by standards and, as a result, is not required to be verified during DMV's annual audit. Some DMV staff do check for safety equipment, however, even though it is not part of the annual audit. For example:

> *During an audit of a commercial driver-training school, the DMV staff person checked the trunks of each of the school's vehicles. When asked what he was checking, the DMV staff member noted he was looking for basic vehicle safety equipment.*

To standardize this practice and ensure all commercial driver-training school vehicles have equipment that can be used in an emergency, DMV should require that vehicles carry specific safety equipment. School vehicles should be required to carry a minimum of:

- a blanket and a first aid kit;
- reflective triangles, flares, or cones; and
- a toolbox, flashlight, and fire extinguisher.

Clearly outlining the required safety equipment that should be in training vehicles would ensure that the instructors and students could safely deal with vehicle problems or emergencies that might occur during in-car instruction.

Recommendation (2). **The Department of Motor Vehicles should amend standard §2.10 of the *Commercial Driver Training School Regulations* to require that training vehicles carry specific safety equipment during in-car training. The standard should at a minimum require the vehicle safety equipment that is incorporated in the *Curriculum Guide for Driver Education in Virginia*.**

Standards Regarding Documentation of In-Car Instruction Need to Be Enhanced

An important phase of driver education training required for individuals under 18 year of age is the in-car instruction. This provides students with the opportunity for practical instruction in developing basic vehicle control. In addition, it enables them to

use instruction received during the classroom portion of driver education training. As noted in Chapter I, in-car instruction must include a minimum of 14 instructional periods of which students are to be behind-the-wheel for seven periods and observing other students drive for seven periods.

Despite the importance of this phase of driver education, the current standards regarding the documentation of in-car training are inadequate. As a result, the manner in which this training is documented across the commercial driver-training school system varies. This variation negatively impacts DMV's ability to ensure consistent and uniform in-car training is provided to students under 18 years of age.

In-Car Documentation Requirements Are Limited and Vague. Despite the importance of in-car instruction, the current standards provide for limited record-keeping requirements for this segment of the driver education course. For example, standards require that students' records indicate the number of hours of behind-the-wheel instruction as well as the hours of behind-the-wheel observation. In addition, the name(s) of other students who were in the car and observed the student's driving should be included on the record.

Also, for students under 19 years of age, the standards require that the school keep the results of performance measurements of a student's theoretical and practical knowledge gained from the driving instruction that they have received at the school. However, there is no additional guidance on how to record this or how extensive the information recorded should be.

Documentation of In-Car Training Varies. Based on site visits to selected commercial driver-training schools, it was evident that each school maintains varying degrees of documentation for students' in-car driver education training. Some schools provided only basic documentation. For example:

> *One commercial driver-training school visited by JLARC staff had space on the back of the contract for each of the 14 periods of in-car instruction required for students under 18 years of age. Each day a student drove, a notation was made for that day as well as when the student observed others driving. However, there was no space to record what instruction was provided or how well the student performed.*

However, some schools prepared very complete records that included a detailed list of subject areas that were included in the instruction. For example:

> *At another commercial driver-training school, the operator's records were very detailed. The in-car instruction form contained an area for each of the seven behind-the-wheel instruction periods. Under each period were a set of skills that were to be covered during that period as well as an area for the instructors comments. In addition, the instructor was to document the mileage driven during the lesson and the miles driven by the student. Also, the instructor was required to assess whether*

> *the student had passed or failed each skill required for that particular instruction period.*

Clearly, schools have interpreted the standards regarding training documentation differently.

In-Car Documentation Should Be Standardized to Ensure Uniformity of Instruction. The level and type of training documentation can impact DMV's ability to ensure instruction is uniform and consistent statewide. With no standards that clearly delineate what types of information should be kept regarding in-car instruction, DMV staff will likely have difficulty objectively assessing whether schools are providing the type and amount of instruction required by the *Curriculum Guide for Driver Education in Virginia*.

This concern is highlighted through observations made by DMV staff who audit commercial driver-training schools for compliance with promulgated standards. For example, one DMV staff person who audits commercial driver-training schools noted that:

> DMV should require each school to complete the same form to record classroom attendance, test scores, as well as behind-the-wheel dates, times, locations of driving, and dates [and] times [, and] comments during observation. Most schools have no plans to record such data.

Another DMV staff person reported that "it is hard to identify if students are getting the required hours, and if the instruction is uniform." Additionally, a DMV staff member noted that:

> Based on this DMV staff person's experience auditing commercial driver-training schools, the classroom documentation is fine. However, a close look is needed at what is required for behind-the-wheel training. Some type of uniform documentation was needed for the behind-the-wheel training that is provided to students.

As previously mentioned, there are schools that keep very detailed and thorough records about the in-car instruction provided to students. To better enable staff to verify that schools are uniformly providing instruction, DMV should revise the standards concerning the business records that are to be maintained by commercial driver-training schools. All schools should be required to document the type of instruction received and the performance of the student during each in-car driving period.

Recommendation (3). **The Department of Motor Vehicles should amend §2.3 of the *Commercial Driver Training School Regulations* to require that commercial driver-training schools provide standardized documentation of the subject areas covered for each period of in-car driving instruction.**

Standards Need to Be Clarified to Ensure Accurate Advertising

Section 2.11 of the standards governing commercial driver-training schools provides guidance concerning school advertising, soliciting of business, and the business name. The main requirements of this section are that:

- schools only use the name that appears on the license;
- schools using DMV in their advertising can only use the words "Licensed by the Department of Motor Vehicles;"
- schools cannot use false, deceptive, or misleading information in an advertisement; and
- schools or instructors cannot state that completion of the course at that school will guarantee that the student will pass the state driver's license examination.

Despite the apparent clarity of the language in this section of the standards, there appear to be problems with how some school operators interpret the standards regarding advertising. It appears to be especially problematic regarding statements that schools are certified or licensed by the Board of Education. For example:

> *A commercial driver-training school advertisement in the yellow pages of a local telephone directory noted that the school had "Approved Classroom and Behind the Wheel Programs" and was "Cert[ified] By the State Board of Educ[ation] & Lic[ensed] By DMV."*
>
> * * *
>
> *Another commercial driver-training school's advertisement in the yellow pages of a local telephone directory stated that the school was "Va. Board of Education Certified" and was "DMV Licensed."*

Staff in the Department of Education reported that stating the school was State Board of Education certified was not an accurate statement.

One concern with the advertising violations is that schools which advertise appropriately may be placed at a competitive disadvantage. For example, individuals interested in obtaining driver education services from a commercial school may believe that certification by the Board of Education implies a more comprehensive or rigorous program of instruction, or that the schools that do not claim this type of licensure or certification may not provide the required instruction for school age students.

For example, one commercial school operator in 1993 wrote to DMV and remarked that:

> We've had this conversation before, but I had a phone call this morning about it from a parent of a future student so I'm bringing it up again. He asked why every school in [this area] was certified by the State Board of Education but us. I explained that we no longer were certified by the State Board of Education but by the DMV. Shouldn't the other schools be told ... that they no longer should have this statement in their ads? It makes us look like we aren't "legal!"

In response, DMV staff called all of the schools in this region that used the language related to being certified by the State Board of Education or the Department of Education in their advertisements to advise them to stop this particular practice. However:

> *One school operator noted that he and all of his instructors were certified teachers. Nonetheless, DMV staff told him that references to his school being certified by the State Board of Education still had to be removed from the school's advertising.*

In addition, students or parents may think that either the Board or Department of Education is the primary regulatory agency and direct concerns to staff there first rather than directly to DMV. To address this, DMV should revise the standards to clearly state under what conditions, if any, references to other State agencies can be made.

Recommendation (4). **The Department of Motor Vehicles should amend §2.13 of the *Commercial Driver Training School Regulations* to specifically address the issue of using references to certification or licensing by other State agencies or boards.**

Requirements Regarding Instructor Qualifications Need to Be Further Developed

Essential to the instruction provided at commercial driver-training schools are the instructors and school operators. These individuals have day-to-day interaction with the students and are the persons who are responsible for providing students with the knowledge to become responsible drivers. While DMV has standards in place to screen applicants for instructors and operators, there are three areas in which instructor qualifications need to be modified within the existing standards.

The first area of concern identified through this review is the requirement that all instructors provide a criminal background check from their local law enforcement agency. Criminal background checks are important, since instructors will be working with juveniles as young as 15 years of age. Such checks are typical for those involved in the instruction or care of minors. Another area of the standards that requires clarification concerns the number of demerit points an instructor can receive before his or her license is revoked, denied, or suspended. Finally, additional barriers to entry for operators and instructors need to be included to provide additional safeguards for students.

Local Law Enforcement Agency Criminal Background Checks Are Inadequate. Current DMV standards require that commercial school operators and instructors submit a criminal background check provided by their local law enforcement agency with their application for a license. Based on the results of the criminal background check, the department may decline to approve an application where the applicant has been:

> ...convicted of a felony including but not limited to bribery, forgery, fraud or embezzlement under the laws of the Commonwealth or any other state or under the laws of the United States of America or a conviction of any offense included in Chapter 4, Article 7 of title 18.2 of the *Code of Virginia* (Criminal Sexual Assault) or any similar laws of any other state or of the United States.

However, there are limitations to a local criminal background check. With a local criminal background check, the records being checked may only be the criminal records maintained by that particular locality. For example, the Hampton City Police Department states on its background check form, "In compliance with the Virginia Privacy and Security Act, this document contains only local criminal convictions in the City of Hampton." This can lead to a situation in which a local criminal background check does not report convictions from other localities. For example:

> *A commercial driver-training school instructor had been convicted twice in two different localities for two different offenses within a four-month period. The instructor had been convicted in his county of residence for possession of marijuana. In addition, he was later convicted in a locality adjacent to his county of residence of a misdemeanor for soliciting a prostitute. The commercial driver-training school operated by this person was located in yet another locality adjacent to the locality of residence. However, because the instructor obtains the required criminal background check from the local police department in his county of residence, the conviction for soliciting a prostitute does not appear in the instructor's local criminal background check submitted to DMV. The department apparently learned of this conviction through another source.*

This case illustrates why a local background check may not always provide DMV with the necessary information about criminal convictions to be used in decisions regarding the licensing of commercial driver-training school operators or instructors.

A criminal background check conducted by the Virginia State Police would alleviate this problem because it would check the records for the entire state. DMV has also identified the criminal background check as an area that it wants to revise in the next draft of the regulations. Furthermore, DMV staff have reported that they intend to have the new regulations require that a State Police criminal background check be provided for license applicants.

Recommendation (5). **The Department of Motor Vehicles should revise §2.1C and §3.1F of the *Commercial Driver Training School Regulations* to require that a Virginia State Police criminal background check be submitted by all applicants for a commercial driver-training school operator or instructor license.**

Additional Convictions for Crimes Should Be Considered as Barriers to Licensure. The second issue concerning instructor qualifications is the convictions which may act as a barrier to entry for commercial driver-training school operators and instructors. Of particular concern are DMV's barriers to entry based upon the criminal records of the commercial driver-training school operators and instructors. Additional barriers to entry need to be provided by DMV to ensure that students of commercial driver-training schools are properly protected.

As discussed earlier in this section, the regulations require that applicant's for an instructor's license not be convicted of a felony including bribery, forgery, fraud or embezzlement. In addition, instructors are not to be convicted of any offense in Chapter 4, Article 7 of Title 18.2 of the *Code of Virginia,* which relates to criminal sexual assault. While these regulations would eliminate some candidates seeking to be instructors, additional offenses could be added to potentially prevent other instructors from being licensed if DMV determined it to be necessary.

Under the current standards, DMV can impose a civil penalty and revoke, cancel, refuse, or suspend a license for a "violation or conviction of state or federal safety regulations or the laws of the Commonwealth including without limitation those of the Departments of Motor Vehicles, Education, and State Police." Although many violations of law or convictions could fall under this broad standard, further clarification regarding which violations specifically disqualify persons from becoming a commercial driver-training school operator or instructor or maintaining a license should be provided in the standards. Convictions of solicitation of prostitution or distribution of drugs are examples that DMV should specify as unacceptable for an applicant in an instructional environment, especially someone who is to work with students under the age of 18.

Simply having these provisions does not necessarily mean that DMV has to deny or revoke licenses based on a history of this type of conviction. However, it does provide DMV with the ability to do so if it is determined by an examination of the particular case that such action is warranted. Moreover, it makes clear to applicants that these types of convictions may be grounds to suspend, revoke, or deny a license to operate a school or be an instructor.

Recommendation (6). **The Department of Motor Vehicles should revise §2.1C, §3.1F, and §4.1A of the *Commercial Driver Training School Regulations* to include convictions for: (1) sex-related offenses and (2) illegal drugs or drug-related offenses.**

Instructor Driving Record Demerit Points Should Be Clarified. The final area concerning instructor qualifications is the number of demerit points instructors are allowed to obtain before their commercial driver-training school instructor license is suspended, revoked, or denied. Section 3.1E of the standards requires that instructors maintain a driving record not exceeding six demerit points during the period of licensure.

DMV needs to provide additional clarification regarding what constitutes compliance with this standard. At this time, there appears to be some confusion among DMV staff regarding which points are used to determine compliance with the standards and the time period in which the demerit points can accrue.

Demerit points are the points assigned by DMV when a vehicle operator commits a traffic violation, with the more serious violations receiving more demerit points. On the other hand, safe driving points are points assigned for each full calendar year that a licensed operator holds a valid driver's license without any violations or suspensions. For every year of driving without a violation, a person obtains one safe driving point, up to a total of five points. Thus, a driver with no violations can have a driving record with a positive five driver point balance. The driver point balance is the sum of demerit points and safe driving points.

The current standards do not mention whether safe driving points or the driver point balance are to be accounted for when determining compliance with this standard. Although the standards say demerit points, some DMV staff check the driver point balance when determining compliance with this regulation. However, verifying compliance in this fashion may not accurately account for demerit points because the driver point balance reflects both safe driving points and demerit points. In effect, the impact of the demerit points can be mitigated by safe driving points as well as points earned through attendance at driver improvement clinics.

If DMV wants to use the driver point balance in determining whether an instructor's driving record should preclude licensure to teach in a commercial driver-training school, then the standard should reflect that intent. For example, the Chesterfield County Public Schools require that their driver education teachers maintain a plus three point balance.

Finally, if DMV is to continue using the demerit points as a standard against which to evaluate applications for commercial driver-training school instructor licenses, the time period for the maximum number of demerit points should be clarified. The period of licensure is, depending on what the applicant chooses, either one or two years. Clearly, no more than six demerit points in one year is significantly different than no more than six in two years. Norfolk City Schools, for example, require that driver education instructors have no more than two traffic violations within the last 12 months.

DMV staff reported that this regulation is one that will be considered for change when the standards are revised later this year. At this point, they noted that they

intend to clarify the time period that a maximum number of demerit points can be achieved and how to address the issue of safe driver points.

Recommendation (7). **The Department of Motor Vehicles should clarify §3.1E of the *Commercial Driver Training School Regulations* to clarify how the maximum number of demerit points that can be assigned are to be calculated. The department should also clarify whether safe driving points can be used to offset any demerit points.**

ADDITIONAL STANDARDS SHOULD BE DEVELOPED TO ENHANCE UNIFORMITY AND CONSISTENCY

In addition to the standards that require revision to improve clarity, there are two areas of commercial driver-training schools' operations that require the development of new standards. These two standards are in response to recent changes in the *Code of Virginia* impacting the operations of commercial driver-training schools. Specifically, the standards for classroom instruction provided by commercial driver-training schools to students under the age of 19 should include a requirement for instruction addressing aggressive driving. In addition, DMV is no longer required to administer the road skills test to students under 18 years of age. Instead, commercial driver-training schools can now perform that task. New standards in these areas will ensure that the operating guidelines used by commercial schools properly reflect the requirements in the *Code of Virginia*.

Requirement to Cover Aggressive Driving in Classroom Instruction Should Be Developed

The *Curriculum Guide for Driver Education in Virginia* is required by DMV's standards to be the basis of instruction for commercial driver-training schools licensed to provide instruction to students under 19 years of age. While this guide requires that commercial schools cover many driver-related subject areas, it does not require that instruction on aggressive driving be provided. However, during the 1998 Session of the General Assembly, §22.1-205 of the *Code of Virginia* was amended to require that aggressive driving be added to the curriculum for driver education programs established by the State Board of Education.

Although the subject area of aggressive driving may be added to later versions of the *Curriculum Guide for Driver Education in Virginia*, it should also be incorporated in DMV's commercial driver-training school standards. By incorporating the subject area of aggressive driving in standards, commercial schools will be required to provide this instruction regardless of when it is added to the *Curriculum Guide for Driver Education in Virginia*.

Recommendation (8). **The Department of Motor Vehicles should amend §2.8 of the *Commercial Driver Training School Regulations* to include the requirement that classroom instruction on aggressive driving be provided as part of the driver education course for students under 19 years of age.**

Road Skills Examination Standard Needs to Be Developed to Ensure Uniform Administration

Prior to July 1995, DMV administered a road skills examination to graduates of driver education programs provided by commercial driver-training schools. During the 1995 Session of the General Assembly, the *Code of Virginia* was amended to give the commercial driver-training schools the authority to administer the road skills examination to individuals under 18 years of age who successfully complete a driver education program.

To implement this requirement, DMV notified commercial driver-training school operators that the road skills examination must be administered at the end of the driver education course of instruction. However, no standards have been developed to guide this relatively new process. As a result, implementation of this segment of the driver education program has not been consistent and uniform. In addition, the absence of standards limits an objective and comprehensive review by DMV staff members of schools' administration of the required road skills test.

Road Skills Examination Requirement Has Not Been Consistently Implemented. To implement the change in the *Code* regarding the completion of a road skills test by commercial driver-training school graduates under 18 years of age, DMV notified commercial driver-training school operators that students should be administered a road skills examination to determine whether they have the basic driving skills necessary to be licensed. DMV stated that the change in the *Code*:

> ...allows a Virginia resident at least 16 years of age the opportunity to obtain a driver's license without taking the DMV road skills examination. However, the juvenile must first successfully complete a state-approved driver education program that includes a road skills examination.... A road skills examination has been developed and must be administered to students under 18 by the instructor at the end of the driver education course. The purpose of the examination is to measure the student's basic vehicle handling skills.

Clearly, according to DMV, the administration of a road skills test is required to be part of the in-car portion of the driver education program for students under 18 years of age.

However, this requirement is not currently part of DMV's commercial driver-training school standards. As a result, there are apparently some inconsistencies in how and when schools administer the road skills examination. For example:

During a visit to one commercial driver-training school, the operator told JLARC staff that he gave the test over several days of behind-the-wheel instruction. He noted that a formal test made students unnecessarily tense and that he only used the road skills test evaluation form to show parents where their children needed more driving practice.

* * *

During a visit to another commercial driver-training school, the operator reported that he did not always give the road skills examination during the final instruction period. He noted that he might give the road skills exam after the fourth period of in-car instruction if he felt that the student was a competent driver.

These examples illustrate the inconsistent manner in which the road skills examination is administered by commercial driver-training schools.

Also, responses to the JLARC staff survey of commercial driver-training school operators revealed that seven schools responding to the survey reported that they do not give a final road skills examination. One of these schools provides instruction to individuals who have special physical needs and reported that they send the students to DMV since special restrictions are required for their license. However, some of the remaining school operators reported that they did not give a "final" road skills examination, but preferred to observe the students over the course of the seven periods of behind-the-wheel instruction.

Lack of Standards Can Lead to Uncertainty Regarding Issues Related to the Road Skills Test. The lack of standards has also created some uncertainty about how issues related to the administration of the road skills test should be handled. For example, it is not clear whether commercial schools can elect to send the students to DMV for administration of the road skills test. Moreover, one school operator expressed some confusion about what should be done if a student failed the road skills examination administered by the school.

DMV's initial guidance suggested that the school re-test the student after he or she obtained more driving experience. However, it is not clear whether schools can charge for these additional services. Important issues such as these should be addressed through the regulatory process to ensure consistency and uniformity statewide for both schools and students.

Lack of Standards Limits Uniform Oversight. Finally, the lack of standards regarding the administration of the road skills examination limits DMV's ability to provide uniform and comprehensive oversight. Due to the lack of standards in this area, DMV's audit procedures do not require staff to review issues related to the road skills examination administered to students under 18 years of age. Some DMV staff reviewed the documentation from the road skills test during audits to attempt to determine the extent to which the test was being properly administered. However, other

DMV staff did not thoroughly review the road skills documentation, primarily because it was not always available. This inconsistency is understandable due to the absence of objective standards against which to assess compliance.

Moreover, the extent to which schools documented the training varied as well. For example:

> *During an audit of a commercial driver-training school, DMV staff reviewed 15 of the school's student records. The records included in-class tests, contracts, behind-the-wheel forms, and a copy of the completed CDT-A form. However, none of the student records had DMV road skills forms attached.*

At this school, DMV staff would not have been able to verify that the road skills test was uniformly and properly being administered due to the lack of standards that require this type of documentation.

Conclusion. To address issues related to the administration of the road skills exam by commercial driver-training schools, DMV needs to develop clear standards covering the road skills examination. These standards should address what skills are to be evaluated during this test, the minimum score that is to be obtained, how failures are to be addressed, and how the results are to be documented. This should also assist DMV staff in determining the uniformity and quality of the road skills test as well as assist schools and instructors in properly evaluating the driving ability of potential drivers.

Recommendation (9). **The Department of Motor Vehicles should amend the *Commercial Driver Training School Regulations* to incorporate standards addressing the administration of a final road skills examination. At a minimum, the standards should address: the specific skills that are to be evaluated during the test, the minimum score that must be obtained, how test failures are to be addressed, and how the results are to be documented.**

DMV'S ENFORCEMENT PROVISIONS SHOULD BE STRENGTHENED

It appears that most commercial driver-training schools in Virginia generally comply with DMV's regulations and train drivers as required. However, one of the primary goals of DMV's licensing program should be to appropriately address instances in which schools do not comply with the promulgated standards, especially when non-compliance may threaten the safety of students or result in inadequate training. Consistent and timely enforcement is important because the regulations represent only the basic standards necessary to both protect students and ensure uniform and high quality instruction. Failure by schools to comply with standards, particularly those that address instruction, could result in students receiving their driver's licenses without being properly instructed in the basics of vehicle operation or driving safety.

DMV has taken enforcement action against commercial driver-training schools when it has determined it to be necessary. However, the current commercial driver-training school enforcement process limits DMV's ability to address ongoing, serious noncompliance by licensed schools in a timely manner. At this time, there are few intermediate sanctions available to DMV and the process to suspend or revoke a license is often lengthy. As a result, schools can continue to operate improperly even when DMV has taken action to suspend or revoke the school's license.

Additional Intermediate Sanctions Are Needed

Currently, DMV is afforded only limited sanctions when commercial driver-training schools violate the provisions of the standards. The existing standards state that DMV:

> ...may refuse to license a school or instructor and may cancel, suspend, revoke, or refuse to renew a license and may impose a civil penalty....

However, not all violations may be serious enough to warrant suspending, revoking, or denying a license to teach or operate a commercial driver-training school or to impose a civil penalty.

Moreover, actions of this type would likely be contested by the school operator, resulting in a typically lengthy process. To address circumstances such as this, DMV should have additional intermediate sanctions available that can be adjusted to respond to a number of different situations.

For example, if a school has vehicles that are not properly insured, it may be more appropriate for DMV to limit the school to providing only classroom instruction until the vehicles are properly insured. This could also be an option when DMV determines that a school's vehicles are not in safe mechanical condition. Intermediate sanctions would enable DMV to address particular problems without having to act to suspend or revoke a license to operate or assesses a civil penalty.

Another intermediate sanction that might be a beneficial tool for DMV in addressing instances of noncompliance by commercial driver-training schools, is a requirement that a notice that the department is taking disciplinary action be posted with the school's operating license. This would advise potential students and their parents that DMV has documented sufficient or serious enough violations to take formal disciplinary action against the school.

Recommendation (10). **The General Assembly may wish to consider amending §46.2-1705 of the *Code of Virginia* to provide the Commissioner of the Department of Motor Vehicles with the ability to limit the types of driver education training provided, restrict the use of certain school training ve-**

hicles, and require that notices regarding pending disciplinary action be posted with the school's license to operate.

Process of Suspending or Revoking Licenses May Allow Schools to Continue to Operate Improperly

The *Code of Virginia* requires that DMV follow a specific process when taking enforcement action for violations of most regulations. For example, DMV:

- provides the operator or instructor with a written copy of the complaint,
- provides the operator or instructor 30 days after being notified about the complaint to request a hearing, and
- allows the operator or instructor to reschedule the dates of the hearing.

While the use of this process is clearly proper to ensure the rights of the licensed operator or instructor are protected, it can allow schools that are in the disciplinary process to continue to operate and even continue to violate DMV's regulations.

In some cases, the violations can be directly related to instructional requirements for young student drivers. For example:

> *A commercial driver-training school instructor had been teaching behind-the-wheel instruction for another commercial driver-training school by way of referrals. The relationship with the other school was severed because the instructor had not provided his students with the required number of hours for behind-the-wheel instruction. This instructor operated his own school and in February 1995 was issued a letter by DMV directing him to bring the school into compliance with DMV regulations and limiting the behind-the-wheel instruction to two periods per day. In May 1995, the school operator was issued a Notice of Assessment / Order of Suspension for providing classroom instruction without being properly licensed. To avoid suspension, the operator paid a $500 penalty. According to DMV, in July 1995, the same operator issued a CDT-A form, the form which documents that course requirements are completed and acts as a temporary license, to a student with a false address for his school.*
>
> *In July 1996, a complaint about the school was received from a parent who reported that the operator had offered to provide classroom instruction to her son for $250 and that he would give him a driver education textbook and administer the knowledge test when the student was ready. Also, between August 1996 and April 1997, a DMV investigator interviewed 13 students and some parents revealing that all the*

students had been issued a CDT-A without completing the required number of hours for behind-the-wheel instruction.

In February 1997, a DMV investigator followed the school operator and observed too many students in the car, and found that one student only drove for a period of 29 minutes instead of the required 50 minutes. The same student was then issued a CDT-A after receiving only two periods of instruction. During the same month, the operator was interviewed by the DMV investigator and admitted that he issued CDT-A forms when the student has scheduling conflicts and is already a good driver if the parents approved.

In response to these violations, DMV issued an Order of Revocation in March 1997 for both the school's and instructor's licenses for a period of a year. The operator then requested a hearing on the Order of Revocation in April 1997. During the same month a parent advised the DMV investigator that the instructor issued a CDT-A form to her daughter after only three periods of instruction. DMV conducted a hearing in late July 1997 regarding the Order of Revocation. The Commissioner rendered the decision to revoke the school's and instructor's licenses for one year in October 1997.

During the time that this operator was in the disciplinary process, this school was considered to be operating legally and fully licensed. Yet, the school continued to operate in a manner that was in violation of standards addressing instructional requirements for students under the age of 19. Actions such as these could potentially result in young drivers being licensed without the proper practical training to be safe and effective drivers.

The process for suspending or revoking a license highlights the need for intermediate sanctions that can be imposed more quickly to address serious issues of noncompliance with regulations. Currently, §46.2-1705 of the *Code* provides that:

> ... an order suspending, revoking, or denying renewal of an instructor license shall be effective immediately if the order is based upon a finding by the Commissioner that the instructor's driving record is such that he is not presently qualified to act as an instructor.

This authority illustrates that timely action is necessary in some cases to ensure that students are provided proper instruction or are properly protected.

To ensure that DMV can take timely and appropriate action to ensure students are safe and receiving the proper driver training, provisions should be established to enable the Commissioner to issue special orders for intermediate sanctions. This is the model currently authorized for other agencies which need to take immediate action to protect public health and safety.

Providing the DMV Commissioner with this authority would promote compliance with standards. In addition, it would enable DMV to take appropriate and timely action when schools will not voluntarily comply with required standards.

Recommendation (11). **The General Assembly may wish to consider amending §46.2-1705 of the *Code of Virginia* to provide the Commissioner of the Department of Motor Vehicles with the authority to issue special orders for intermediate sanctions for violations of standards by licensed commercial driver-training schools that: (1) put the safety of students at risk, or (2) fail to provide the required type or amount of instruction.**

IV. Oversight and Monitoring of Commercial Driver-Training Schools

The Department of Motor Vehicles (DMV) has had statutory responsibility for oversight of commercial driver-training schools since July 1990. Systematic oversight is the primary mechanism for DMV to ensure that commercial driver-training schools are providing both quality and uniform instruction. Despite DMV's responsibility and the important role of commercial driver-training schools in training and licensing young drivers in Virginia, DMV did not begin to provide systematic oversight of commercial driver-training schools until early 1997.

The current JLARC review indicates that the effectiveness of DMV's systematic oversight process needs to be improved. First, the consistency of some important audit activities among DMV oversight staff needs to be enhanced. In addition, the scope of some audit activities should be expanded in some important areas, such as curriculum reviews and vehicle inspections. Monitoring visits between the annual audits should also be implemented for selected schools.

Finally, other activities outside of the annual audit process can be implemented, or changes to existing policies can be made, in support of DMV's primary oversight activities. These activities, such as revising the annual audit cycle, are not part of the actual on-site audit. However, changes in these policies should strengthen DMV's oversight framework and enable the department to be more proactive and effective in administering its commercial driver-training school monitoring activities.

OVERVIEW OF DMV'S COMMERCIAL DRIVER-TRAINING SCHOOL OVERSIGHT PROCESS

In carrying out its oversight responsibility, DMV uses a number of activities to monitor licensed commercial driver-training schools in Virginia. These activities include prelicensing audits, annual audits, and random audits. The most systematic component of this oversight process is the annual audit. However, the annual audit process was not implemented until early 1997. DMV has made changes and enhancements to the annual audit process over the past year designed to improve its ability to ensure commercial driver-training schools were complying with standards and providing uniform and effective instruction.

DMV Oversight and Compliance Monitoring Activities

DMV uses a multi-tiered system of oversight for monitoring commercial driver-training schools' compliance with standards. The various types of oversight processes used by DMV include: pre-licensing, initial, annual, random, and location change au-

dits. Finally, DMV also utilizes staff from its investigative division when serious problems or issues of a criminal nature are identified or believed to be present.

Pre-Licensing Audit. This audit is conducted for school operators requesting an initial commercial driver-training school license. The purpose of this audit is to ensure that the school facility, business operations, and classroom space comply with existing standards. This audit is also to ensure all local business licenses are current and that the vehicles to be used for student training meet standards. This audit, in combination with the license application package, will be used in determining whether a license will be granted to the commercial driver-training school.

Initial Audit. An initial audit is conducted within 60 days of a new commercial driver-training school commencing operations or receiving its initial license to operate. The purpose of this audit is to review the standards not addressed during the pre-licensing audit such as the posting of the DMV license and fees for instruction, the processing of students' documents upon completion of instruction, and observing classroom instruction. This audit also fulfills the DMV requirement for an annual audit of the school in that year.

Annual Audit. An annual audit is to be conducted on each licensed commercial driver-training school once each calendar year. The annual audit addresses all phases of a commercial driver-training school's operations. Specifically, DMV staff review standards related to: office operations, record retention, classroom facilities and business practices, vehicles, instructors and instructional practices, and the school's curriculum for teaching students under the age 19.

Random Audit. This is an audit initiated based on central office's assessment that certain areas of a particular school need to be reviewed. In this particular audit, DMV staff go to the school and typically review only the areas that are in question or for which DMV staff need more information or clarification. This type of audit may also be used to follow-up on deficiencies from an annual audit.

Location Change Audit. The location change audit will be conducted if a licensed commercial-driver training school operator changes the physical location of the school. According to DMV staff, this audit focuses on items related to the physical facility, such as the office and classroom space.

Formal Investigation. A formal investigation is initiated by central office staff when allegations of a criminal nature regarding a commercial driver-training school are reported or identified. Staff with responsibility for the commercial driver-training school program request that investigators from DMV's investigative services division review the specific allegations. Factors that might trigger a formal investigation include not providing the required amount of instruction or other types of fraud. When the investigation is completed, a report is prepared and submitted to DMV's commercial school section for its review and subsequent action.

DMV Staff Responsible for Commercial School Audits Have Many Other Duties

The primary mechanism for providing oversight of commercial driver-training schools is DMV's annual audit of the schools. At this time, DMV does not utilize staff whose primary duties are monitoring and auditing commercial driver-training schools. DMV staff with responsibility for monitoring and auditing commercial driver-training schools are "customer services generalist seniors" who work in the 73 local customer service centers located across the State.

As the position title implies, these staff perform a variety of duties in the customer service centers. The position description states that:

> [t]his is the advanced level class for position[s] that provide direct service delivery in a DMV Customer Service Center. Incumbent functions as a generalist, proficient at performing all customer services....

Customer services include activities such as conducting the DMV road test for passenger and commercial vehicles and processing vehicle registration, titling, and tax forms. Clearly, the focus of the staff's daily activities is not oversight of commercial driver-training schools.

Nonetheless, DMV has apparently utilized a relatively select group of customer services generalist seniors to conduct audits of commercial driver-training schools. In calendar year 1997, more than 45 customer services generalist seniors conducted audits of commercial driver-training schools. As highlighted in Table 4, many of the customer services generalist seniors have other audit or driver's licensing responsibilities. For example, many customer service employees carry out audits of driving-related programs or conduct road tests for commercial and regular driver's licenses in addition to the more administrative-related duties involved with licensing drivers and titling motor vehicles.

Systematic Oversight Process Was Not Implemented Until 1997

Prior to 1997, DMV did not systematically audit commercial driver-training schools. The primary monitoring was conducted by central office staff through the school and instructor license renewal process and through file reviews of schools' documentation for selected standards such as vehicle insurance. For schools applying for an original license to operate, DMV staff conducted a site visit to ensure the facility was in compliance with standards. Staff also conducted random audits of selected schools. If complaints were made regarding specific schools, DMV would, based on the seriousness of the complaint, either have the school respond to the complaint, conduct an on-site audit, or conduct a formal investigation for potential violations of a criminal nature.

In early 1997, DMV established a program to implement a systematic monitoring process for commercial driver-training schools. Audit forms were developed and procedures to guide the audit were written. DMV staff from the customer service cen-

Table 4

Other Activities or Services Performed by DMV Staff Who Audit Commercial-Driver Training Schools

Question: Which of the following activities or services do you provide in your current position with the Department of Motor Vehicles?

Activities or Services Performed	Percentage of Staff
Administer the road test for commercial driver's licenses (CDL)	98
Administer the road test for regular driver's licenses	95
Audit driver improvement program courses	90
Provide licensing, vehicle registration, or other services in my office	85
Audit third party tester programs	71

Number of Respondents = 41

Source: JLARC staff analysis of data from the Survey of DMV Commercial Driver Training School Oversight Staff, April 1998.

ters were provided training regarding their roles and responsibilities in the commercial driver-training school audit and monitoring process.

DMV staff have noted that the systematic monitoring process implemented in 1997 has been beneficial and has provided staff with more timely information regarding the operation and administration of the commercial schools. Moreover, DMV staff noted that they believe the school operators and instructors realize that the department is now able to review the system's operation in a more comprehensive and timely manner.

DMV Has Revised the Oversight Program Based on Experience with New Process

As noted earlier, the current commercial driver-training school oversight process has been in place for slightly more than one year. However, since the systematic oversight process was established, DMV has made a number of changes designed to improve the program or clarify specific issues. Changes were made to enhance the department's ability to provide more effective oversight and ensure uniformity of services provided by these schools.

For example, the audit form has been revised twice since the oversight process began. The first revision substantially increased the comprehensiveness of the form and the areas that were to be reviewed during the audit. Moreover, the policies govern-

ing the commercial driver-training school process have been revised three times to clarify processes and responsibilities.

School Operators Are Generally Satisfied with DMV's Licensing Program

On the JLARC staff survey of commercial driver-training schools, school operators were asked to rate their degree of satisfaction with the current DMV commercial-driver training school licensing program. As noted earlier, the current systematic audit and monitoring process was implemented in early 1997. Despite the implementation of this process, school operators were generally satisfied with DMV's licensing programs (Table 5). This indicates that DMV was able to implement this program in a manner that did not significantly disrupt the routine operation or administration of the schools.

Table 5

Commercial Driver-Training School Operators' Satisfaction With DMV's Licensing Program

Question: How satisfied are you with the Department of Motor Vehicles Commercial Driver-Training School licensing program?

Very Satisfied %	Satisfied %	Dissatisfied %	Very Dissatisfied %
30	63	2	5

Number of Respondents = 84

Source: JLARC staff analysis of data from the Survey of Commercial Driver-Training School Operators, April 1998.

DMV OVERSIGHT ACTIVITIES SHOULD BE STRENGTHENED

Chapter III of this report addressed the clarity and adequacy of DMV's standards to provide an effective regulatory framework for the department's monitoring activities. This section focuses on the oversight activities DMV uses to assess commercial driver-training schools' compliance with standards. Monitoring the compliance of these schools against the existing standards is an important component of DMV's oversight responsibilities. Appropriate and consistent monitoring should:

- assess compliance or non-compliance with standards,
- ensure that identified deficiencies or problems are corrected, and
- provide documentation that schools are operating in accordance with statutory and regulatory requirements.

The effectiveness of this monitoring is determined largely by the ability of DMV staff to identify problems through the annual audit and ensure that corrective action is taken in a timely fashion. DMV could improve the current monitoring process through a number of enhancements to its annual audit process.

First, the consistency and scope of student training documentation reviews should be standardized. Second, DMV should make the inspections of commercial driver-training schools' vehicles more comprehensive to ensure that they are in safe mechanical condition. Third, classroom and in-car training should be more thoroughly evaluated during the annual audit. Finally, the use of monitoring visits between annual audits should enable DMV staff to promote uniform instruction and ensure compliance with standards.

Student Training Documentation Reviews Should Be Standardized

As a part of the annual audit, DMV reviews documentation of student training. Training documentation needs to be reviewed to ensure that students are receiving the number of hours of classroom and in-car training required, as well as to ensure the training is of the length and content required by the *Curriculum Guide for Driver Education in Virginia*. However, during on-site observation of DMV audits, reviews of student training documentation were found to be inconsistent.

The need for a rigorous and thorough review is highlighted by the fact that some commercial driver-training schools have had their licenses revoked or suspended due to their failure to provide the required hours of training. Nonetheless, the manner in which this portion of the audit is implemented and administered varies significantly among DMV staff conducting audits. For example:

> *JLARC staff observed a DMV audit of a commercial driver-training school that reported it provided classroom training for about 300 students and in-car training for about 500 students in calendar year 1997. One DMV staff person conducted the audit and reviewed fewer than 20 individual student training records and observed about five minutes of classroom instruction. The entire audit took less than one hour to complete and resulted in no deficiencies.*
>
> * * *
>
> *JLARC staff observed an audit in another DMV district of a commercial driver-training school that reported it provided classroom training for about 130 students and in-car training for about 180 students in calendar year 1997. Two DMV staff administered this audit and reviewed 200 individual student training records. In addition, DMV staff observed about one hour of classroom training. The entire audit lasted slightly more than three hours. In addition, one DMV staff per-*

> *son made arrangements with the school's operator to come back the next day to check a couple of items that they had been unable to verify during the initial audit.*

Moreover, none of the other audits observed by JLARC staff approached the scope of records review of the audit in the case study above. Nonetheless, documentation of students' training is important as DMV staff conducting audits can use this to determine the extent to which the training meets program requirements.

To address this inconsistency, DMV should require that staff conducting audits review a minimum number of student training files at each school. The sample of files should be based on the number of students receiving instruction at each particular school. For example, for a small school that only provides training for 50 students annually, DMV staff could review all 50 records. For a larger school that provides training for significantly more students, a sample of records could be reviewed. In any case, DMV should require that a minimum number of student training records be reviewed during each audit.

Recommendation (12). **The Department of Motor Vehicles should standardize the scope of the review of student training files. The department should establish a minimum number of files to be reviewed during each annual audit based on the number of students completing training at each school.**

Verification of Schools' Compliance with Local Fire Safety Regulations Should Be Required

DMV regulations require that the office and classroom space of commercial driver-training schools comply with local fire regulations. Accordingly, the audit form requires that DMV staff verify compliance with local fire regulations. Yet, based on the audits observed by JLARC staff, compliance with this requirement is inconsistently verified. For example:

> *During an audit of a commercial driver-training school, DMV staff asked the operator whether the school had a local business license which is required by regulation. The school did have a valid business license. When it came time to verify whether the school complied with local fire regulations, the DMV staff person noted that because the school had a valid business license, it was in compliance with local fire regulations.*

The assumption by DMV staff regarding this locality's business licensing process is incorrect. Staff from the Commissioner of Revenue's office in that locality reported that a fire safety inspection is not required to obtain a local business license.

Moreover, even if compliance with local fire safety regulations were determined when a business license was obtained, some localities no longer require a license if a business' annual gross income is under a certain amount. For example:

At another audit observed by JLARC staff the school did not have a working central heating system. Two electric space heaters provided heat for the classroom. The school's operator noted that he had used four at one time in the past, but the building's owner removed two due to the amount of electricity the heaters used.

When DMV staff asked about the local business license, the operator stated that the locality in which the school was located did not require a local business license because the school's gross income was below the required threshold. Despite this, DMV staff did not ask the operator for documentation to determine whether the school was in compliance with local fire regulations.

* * *

At another school, the DMV staff person conducting the audit noted during the audit that the school did not have fire extinguishers. He said that because the school had a valid local business license, the absence of a fire extinguisher must not have been identified during the business license application process. However, officials in that locality's business license office reported that a valid business license did not mean that a school was in compliance with local fire regulations.

The current audit form may add to the confusion regarding compliance with local fire regulations. In the office and classroom sections on the audit form, DMV staff are asked to verify whether the school complies with local fire regulations. DMV staff are prompted to verify only the local business license. However, the audit procedures note that the school must be able to show that it complies with local fire regulations "...through documentation from the locality."

DMV should revise both the audit form and the audit procedures to remove this ambiguity regarding what documentation from the local government to check for to determine compliance with this regulation. The audit form and procedures should specify what documentation obtained by the schools DMV staff are required to review to ensure that the classroom is in compliance with local fire regulations. In addition, the audit procedures should clearly state that a local business license by itself does not meet this requirement.

Finally, verification of documentation obtained by the schools that indicate compliance with local fire regulations should also be part of the license application approval process for new schools. At this time, the procedures for reviewing a new school's application for a license require DMV staff to review the business license but not to verify documentation that indicates compliance with local fire regulations. The application packages for new schools, as well as the procedures for processing new license applications, should be revised to require staff in the central office to verify that schools have documented compliance with local fire regulations.

This does not mean that DMV staff should, as part of the annual audit, inspect schools to determine compliance with local fire safety regulations. Instead, DMV should require that commercial schools obtain a fire safety inspection from the local fire marshal or fire department. The documentation from this inspection that would be obtained by the schools would then be provided to DMV staff during the annual audit for review to determine compliance with the existing standard.

Recommendation (13). **The Department of Motor Vehicles should modify its procedures to ensure that documentation regarding compliance with local fire regulations obtained by the commercial driver-training schools: (1) be submitted with the schools' initial license application, and (2) verified during the department's annual audits.**

School Training Vehicle Inspection Practices Should Be More Comprehensive

Another area in the administration of the DMV audit in which JLARC staff observed significant variation included inspections of the schools' training vehicles. This includes the comprehensiveness of the vehicle audit as well as the extent to which all vehicles are reviewed during DMV's annual review. For example, some staff are more comprehensive in their review of the vehicles than currently required by policy. The additional areas that many staff currently check should be incorporated as part of the annual audit process. Finally, audit procedures should be clarified to require that every training vehicle used by the school be reviewed as part of the annual audit.

Comprehensiveness of Vehicle Inspections by DMV Staff Should Be Expanded. Currently, policies and procedures state that DMV staff conducting audits are to determine whether vehicles used by the schools have current Virginia safety inspection stickers, dual brake and clutch controls, dual inside and outside mirrors, the required number of seat belts, and proper signage. Nonetheless, DMV staff administer this portion of the audit differently with some conducting a more comprehensive review than others. For example:

> *During the administration of one audit, the DMV staff person verified the presence of only the items required by the audit procedures: the safety inspection sticker, the dual inside and outside mirrors, the dual brake, the number of seat belts, and the signs on the car.*
>
> * * *
>
> *In another DMV district, DMV staff verified the existence of all of the equipment required by the audit form and procedures. In addition, he had the school owner drive the cars so he could apply the dual brakes to ensure they worked.*
>
> * * *

> *During the inspection of the vehicles at another school in a different DMV district, the DMV staff person verified all of the items required by the current audit procedures. In addition, the DMV staff person checked the condition of the tires and the latching mechanism on each seat belt in the car to ensure the belts latched properly.*

Although all DMV staff checked the items required by the audit procedures, the comprehensiveness of the review in the last case study highlights the variation that exists in an important area of the department's annual audit process.

The need for having DMV staff check more than the validity of the vehicle's safety inspection sticker as a means of ensuring vehicle safety is evident in the following example:

> *During an annual commercial driver-training school audit observed by JLARC staff, DMV staff reviewed the required items for the school's vehicle. The vehicle had a valid safety inspection sticker, a dual brake mechanism, the required number of seat belts, and proper signage. The DMV staff person conducting the audit did not observe the condition of the tires. However, JLARC staff observing the administration of the audit pointed out to the DMV staff person that the tread on the outside of the left rear tire was worn enough that strands of the tire's steel belt were beginning to show through the rubber.*

The need to verify the operability of components (especially special features such as dual brakes) of the schools' training vehicles is evident in the following example:

> *A 1993 random audit was conducted by DMV staff at a commercial driver-training school. Staff who conducted the audit noted that in one of the school's cars "...the dual brake cable wire was broken."*

Clearly, the presence of a State safety inspection sticker may not reflect the actual condition of the many mechanical components on a motor vehicle at any point in time, other than at the moment the vehicle was inspected. This is especially true when some commercial driver-training school operators have reported that the vehicles they use typically are driven more than 30,000 miles per year.

Since a State safety inspection is only required once every 12 months, DMV staff could be auditing automobiles that have gone more than 11 months since the previous State safety inspection. To account for this, DMV should revise their policies and procedures governing the commercial driver-training school audits to expand the scope of the inspections of student driver training vehicles. At a minimum, policy should require DMV staff to verify the condition of the tires and the working condition of components like seat belts, dual brakes/clutch, lights, windshield wipers, and horn.

Recommendation (14). **The Department of Motor Vehicles should revise its commercial driver-training school audit procedures to require depart-**

ment staff to evaluate the condition of certain components of the car, including, but not limited to, tires and the working condition of seat belts, dual brakes, lights and horns. The department should also revise the annual audit form to reflect this requirement.

Vehicles to Be Reviewed During Annual Audit Should Be Clarified. The extent to which every training vehicle used by commercial driver-training schools is reviewed by DMV staff is not clear. Most of the school audits observed by JLARC staff resulted in all of the schools' vehicles being reviewed by DMV staff. Yet, some variation in this practice does exist. For example:

> *At one school, the DMV staff person conducting the audit told the school operator he had to review both of the school's cars. The operator noted that the other instructor had the car and was not at the school. Moreover, he did not think both cars had to be reviewed as part of the annual audit. The DMV staff person told the operator he had to do both and he would meet the instructor with the other vehicle at a convenient location to conduct the vehicle audit.*
>
> * * *
>
> *During one commercial driver-training school audit in April 1998, the DMV staff person noted that she did not need to inspect the school's vehicles during this annual audit since they were new and had been added to the school's fleet the previous week. The DMV staff person noted that when adding new cars, schools bring the cars by the DMV customer service center to be audited to standards and approved for driver training use. She noted that she had just inspected the school's new vehicles last week at the customer service center in which she worked.*
>
> *Two vehicles were inspected by her the week before the annual audit. However, according to the DMV headquarters profile, the school had three additional vehicles in its fleet. Two of these vehicles had apparently been inspected by another DMV staff person in January 1998 when they were initially added to the school's fleet. It appears that the remaining vehicle in the school's fleet has not been inspected by DMV staff since the school's 1997 annual audit.*

DMV's audit policies state that "...vehicles inspected during previous audits must be reinspected to ensure that they still meet requirements." However, DMV's communication with commercial driver-training school operators may have led to the perception that every vehicle may not be required to be reviewed during the annual audit. For example, DMV's June 1997 quarterly newsletter to commercial driver-training school operators stated that:

> If your school offers behind-the-wheel training, at least one vehicle approved by DMV must be available at the place of business during

the audit. The auditor will verify that the vehicle meets safety standards and regulatory requirements.

Vehicles used by commercial driver-training schools are likely to be used significantly more than a typical passenger vehicle. Therefore, a clear policy of reviewing every vehicle as part of the annual audit should be established and communicated to both school operators and DMV staff with audit responsibilities.

However, due to the manner in which in-car training is scheduled by many schools, it may not be practical for all training vehicles to be available during the DMV annual audit. As a result, it may not be possible for DMV staff to inspect all of the schools' vehicles at the time of the annual audit. To address this, DMV should adopt a policy of requiring that commercial school training vehicles not inspected during the annual audit be inspected as soon as possible after the audit. This could be accomplished by DMV staff during a monitoring visit or by having school staff bring the training vehicle to one of the department's 73 customer service centers.

Finally, the audit form should be revised to ensure that DMV has a record of each vehicle inspected during the annual audit. At this time, the audit form only has space for recording the inspection results of one vehicle. DMV should revise the current audit form or use an addendum vehicle inspection form that can be used to record the results of each individual vehicle inspection.

Recommendation (15). **The Department of Motor Vehicles should clarify its audit procedures to require department staff to inspect every school training vehicle during the annual audit or as soon as possible after the audit. In addition, the department should revise the annual audit form to enable staff to record the results of each training vehicle inspected.**

DMV's Review of Classroom and In-Car Training Segments Should Be Enhanced

A primary focus of driver education is to provide young drivers with knowledge and skills that in the short-term might compensate for their lack of driving experience. The primary method for achieving this is through classroom instruction and actual driving experience under supervised conditions. Despite the importance of these two phases of instruction, the consistency of DMV staff's reviews of these areas varies considerably. The scope of the DMV review of these two areas should be expanded primarily through revision of the audit procedures and the annual audit form.

Observation of Classroom and In-Car Instruction Varies. Despite the importance of driver education instruction, the manner in which DMV staff observe the provision of classroom and in-car training varies considerably. The current policies and procedures governing the audit do not require that the staff conducting the audit observe both the classroom and in-car instruction. According to the policies and procedures governing the DMV audit process, DMV staff are to schedule the audit at a time

when "... instruction, either classroom or behind-the-wheel, will be on-going so that you can observe actual training."

It appears that the expectation is that DMV staff will observe one of the two phases of instruction. Yet, even the extent to which staff's review or attempt to review either phase seems to vary significantly. For example:

> *An audit report from a school licensed to provide both classroom and in-car instruction to students under 19 years of age noted that the DMV staff person had not observed any classroom instruction during the audit. In addition, the audit report did not note the review of any in-car instruction.*
>
> * * *
>
> *Another DMV staff person went to a school on three different days to conduct an annual audit. One day was used to review the business practices, on the second day the staff person observed classroom instruction, and on the third day she reviewed in-car instruction.*
>
> * * *
>
> *At an audit observed by JLARC staff, the DMV staff person conducting the audit noted that the audit could not be completed since she was not able to observe classroom instruction at that time. She informed the school operator that she had to observe classroom instruction and asked the operator for the classroom schedule for the upcoming week.*

In addition, responses on the JLARC staff survey of DMV commercial driver-training school oversight staff indicate that department staff tend to schedule audits for times when classroom instruction is provided versus in-car instruction (Table 6). In fact, two-thirds of the DMV staff reported that they never schedule audits during in-car instruction.

However, it should be noted that it is difficult in some cases to schedule audits at a time when both or even one phase of instruction will be offered. Moreover, it may be impractical for DMV staff to directly observe the administration of in-car instruction due to seating limitations and the disruption it may cause students. Therefore, it is important that the audit have other mechanisms for validating that the instruction covers the required curriculum.

Current Audit Process Does Not Require Detailed Review of In-Car and Classroom Curriculum. The current annual audit process requires DMV staff to verify that the course of instruction for schools licensed to teach students under 19 years of age is consistent with the *Curriculum Guide for Driver Education in Virginia*. To do this, the audit policies require that staff conducting the audit: (1) verify that a copy of the *Curriculum Guide for Driver Education in Virginia* is on hand at the school, (2) observe

Table 6

Frequency of DMV Staff Scheduling Audits During the Classroom and In-Car Instruction Phases of a Driver Education Program, CY 1997

Question: Please indicate the extent to which you scheduled the audits for a time when the school was providing classroom and in-car instruction to students?

Phase of Instruction	Always %	Frequently %	Sometimes %	Never %
Classroom	59	9	16	16
In-car	16	3	16	66

Number of Respondents = 32

Note: Percentages may not add to 100 due to rounding.
Source: JLARC staff analysis of data from the Survey of DMV Commercial Driver-Training School Oversight Staff, April 1998.

instruction to determine if it follows the curriculum guide, and (3) review training records to ensure the correct number of training periods are recorded.

However, there is little in the audit policies or audit form that requires that DMV staff review the school's curriculum or other course content for compliance with the *Curriculum Guide for Driver Education in Virginia*. As a result, none of the DMV staff observed by JLARC staff verified during the annual audit that the curriculum provided by the school met the requirements of the curriculum guide.

This is important since 51 percent of the schools that provide classroom training to students under 19 years of age reported that they used another curriculum to supplement the *Curriculum Guide for Driver Education in Virginia*. In addition, the typical textbook used by schools providing classroom instruction to students under 19 years of age was published in 1992.

Generally, DMV staff conducting audits would ask whether the school had a copy of the *Curriculum Guide for Driver Education in Virginia*. When one DMV staff person was asked how he determined whether the course of instruction complied with the *Curriculum Guide for Driver Education in Virginia*, he reported:

> *He has read the entire* Curriculum Guide for Driver Education in Virginia. *During the audit, he sits in the classroom for one hour to observe instruction. He noted that he listens to ensure that some of the subject matter required by the curriculum guide is addressed during that hour of instruction.*

This method of review currently meets the requirements of the audit procedures and form. However, the required classroom instruction for students under 19 years of age totals about 36 hours. As a result, in this case, there is approximately 35 hours of classroom instruction that is not verified, as well as the entire in-car portion. Moreover, if DMV staff are unable to observe any instruction, then there is apparently no check of the content of a school's curriculum other than to ensure that the school has a copy of the required curriculum guide.

Audit Policies and Audit Form Should Be Revised to Evaluate Classroom and In-Car Curriculum. It is likely that there will be instances when DMV staff will be unable to review either the classroom or in-car instruction at some schools. Even when they are able to observe instruction, the limited scope of that review does not appear sufficient to ensure that the school's entire curriculum for students under 19 years of age fully meets the requirements of the *Curriculum Guide for Driver Education in Virginia*.

One method available for increasing the scope of the review of commercial driver-training schools' curriculum is to incorporate the required curriculum subject areas or course objectives into the audit form. This is currently the mechanism used to review the curriculum in licensed Class A commercial driver-training schools. Class A commercial driver-training schools provide the necessary training to obtain a license to drive vehicles over 20,000 pounds.

For these schools, DMV staff must verify compliance with ten subject areas required to be part of classroom instruction and nine subject areas required to be part of the practical or behind-the-wheel portion of the course. These subject areas are required by regulation to be provided in the course of instruction by Class A commercial driver-training schools. The requirement to base instruction for students under 19 years age on the *Curriculum Guide for Driver Education in Virginia* has also been incorporated by DMV's commercial driver training school standards.

Therefore, during each DMV audit the subject areas in the *Curriculum Guide for Driver Education in Virginia* should be verified as part of the curriculum for each school teaching students under 19 years of age during each DMV audit. To accomplish this, the subject areas for both the classroom and in-car instruction from the *Curriculum Guide for Driver Education in Virginia* should be incorporated in the Class B commercial driver-training school audit form for schools providing instruction to students under 19 years of age. In addition, the procedures for the DMV audit should be revised to reflect this change.

To verify that the content of the schools' curriculum complies with *the Curriculum Guide for Driver Education in Virginia*, DMV staff do not have to directly observe all of the classroom and in-car instruction. Instead, DMV staff during the annual audits should, using the revised audit forms, review the schools' curriculum or textbooks to ensure that they include the subject areas required by the curriculum guide in the same manner DMV staff review the curriculum of Class A commercial driver-training schools.

Recommendation (16). **The Department of Motor Vehicles should revise the current annual audit form to require that staff conducting audits verify that all of the classroom and in-car subject matter areas required by the *Curriculum Guide for Driver Education in Virginia* are part of the school's instructional curriculum. In addition, the department should revise the procedures for the annual audit to ensure staff conducting audits verify the content of the classroom and in-car curriculum.**

Monitoring Visits Between Annual Audits Should Be Implemented

At this time, the primary oversight activity for licensed commercial driver-training schools is to conduct an annual audit. DMV staff have noted that they can go to a school when there is a problem or they believe some type of follow-up is necessary. However, it does not appear that follow-up or monitoring visits between annual audits is conducted systematically.

Follow-up or monitoring visits between audits can be beneficial. First, monitoring visits enable DMV staff to ensure that deficiencies from the previous annual audit have been corrected. Second, staff can reinforce the need to maintain compliance with DMV's commercial driver-training school standards. Finally, monitoring visits are an opportunity for DMV staff to address problems or concerns with commercial driver-training school operators in a more personal manner.

DMV staff who audit commercial driver-training schools were asked on the survey to identify mechanisms that would improve the uniformity of instruction offered in these schools. As highlighted in Table 7, 45 percent of the staff who responded to that question reported that the use of monitoring visits between the annual audit would be beneficial. In addition, 68 percent reported that unannounced monitoring visits or audits would be useful.

While unannounced monitoring visits were identified by the majority of DMV staff, there are reasons that these might not be practical for use as a routine monitoring tool. As JLARC staff observed, the hours that many commercial driver-training schools are in operation vary dramatically. DMV staff may have a difficult time determining when the school will be open to visit. Moreover, DMV staff reported that sending staff back to a school for a monitoring visit is always an option.

Still, staff who provide the majority of direct oversight of commercial driver-training schools believe that some form of monitoring visits between the annual audits would be beneficial to improve the uniformity of instruction. In addition, DMV staff in responding to commercial driver-training school operators note that a visit to verify the corrections of deficiencies may be necessary.

DMV should develop procedures for determining when monitoring visits between annual audits are to be conducted. Criteria should include, but not be limited to, the school's record of:

Table 7

Potentially Beneficial Oversight Activities Identified by DMV Staff With Oversight Responsibilities

Question: Which of the following do you feel would improve the uniformity and quality of the classroom and in-car training offered through commercial driver-training schools?

Oversight Activities	Percentage of Staff
Unannounced monitoring visits	68%
Monitoring visits between annual audit	45

Number of Respondents = 40

Source: JLARC staff analysis of data from the Survey of DMV Commercial Driver-Training School Oversight Staff, April 1998.

- serious deficiencies on the most recent annual audit,
- problems maintaining their training vehicles in proper condition,
- compliance with promulgated regulations,
- complaints from students or parents,
- not providing the required instructional subject matter to students under 19 years of age, and
- not providing the required quantity of training to students under 19 years of age.

If additional experience with its commercial driver-training school annual audit process indicates that a number of schools have problems maintaining compliance with standards, DMV should expand the monitoring visits between annual audits to include all schools. DMV may also want to periodically examine the accident rates of the graduates of the schools to determine if high rates may be indicative of instructional problems.

Recommendation (17). **The Department of Motor Vehicles should utilize monitoring visits to commercial driver-training schools between annual audits. Criteria the department should use in determining the need for monitoring visits should include, but not be limited to, a school's record of: serious deficiencies on the most recent annual audit, compliance with promulgated regulations, complaints from students or parents, not providing the required instructional subject matter to students under 19 years of age, and not providing the required quantity of training to students under 19 years of age.**

ADDITIONAL OPTIONS FOR IMPROVING THE EFFECTIVENESS OF DMV'S OVERSIGHT OF COMMERCIAL DRIVER-TRAINING SCHOOLS

The previous section of this chapter focused on the implementation and administration of DMV's annual commercial driver-training school audit. There are, however, a number of other mechanisms available to help ensure, either directly or indirectly, the uniformity and consistency of the commercial driver-training school instruction.

For example, revisions to the audit scheduling process should help ensure more consistent oversight by DMV staff. In addition, linking the audit to the school's license renewal should increase the effectiveness of the audit. Systematically analyzing data from audit reports would enable DMV to more sharply focus its oversight efforts as well as provide targeted assistance to schools. Finally, DMV staff training that is focused on interpreting standards and increasing the consistency of audit administration should be conducted.

Annual Audit Cycle Should Be Revised

As noted earlier, DMV implemented its systematic commercial driver-training school oversight process in early 1997. Since that time, the commercial driver-training schools have been audited at least once. A number have already received another annual audit in 1998. Based on a review of the process to date, the need for some revisions to the process have been identified. These changes include revising the interval between audits and linking the annual audit to the license renewal process.

Interval of Audits Should Be Changed to 12 Months. Current DMV policy states that an annual audit will be conducted on a commercial driver-training school once each calendar year. The potential problem with such a policy is that 23 months could pass between a school's annual audit. Such a scenario could occur if a commercial school had an annual audit in January of one year and in December of the following year.

Despite this policy, the limited number of audits that have been conducted in 1998 suggest that DMV staff are scheduling audits to be approximately within 12 months of the 1997 audit. For example:

> *An analysis of 30 schools audited both in 1997 and 1998 indicates that only eight schools had more than 12 months elapse between the 1997 and 1998 annual audits. However, for these eight schools, the average number of days that the interval between the two audits exceeded one year was only 11 days.*

Based on the few audits completed in early 1998, most schools have received audits within a 12-month period. To ensure that this practice continues and that more than 12

months will not elapse between audits, DMV should adopt a policy that requires annual audits be conducted every 12 months versus each calendar year.

Recommendation (18). **The Department of Motor Vehicles should change the interval of the commercial driver-training school annual audit from each calendar year to every 12 months.**

Annual Audits Should Be Linked with License Renewal. When an individual has requested an initial license to operate a commercial driver-training school, the results of the prelicensing audit are one factor in determining whether the license to operate would be approved. However, prior to the establishment of the current monitoring process in 1997, the type of information obtained through the audit was not systematically available for the renewal process.

With the current systematic monitoring process in place, DMV has the ability to use the annual audit as a relatively clear and timely source of information with which to evaluate a school's request for license renewal. However, at this point in the process, it is not clear to what extent the annual audit and licensing renewal process will occur in a sequential fashion. Linking the annual audit with a school's license renewal process would result in the annual audit being conducted in a time period immediately preceding the license renewal date.

It must be noted that the second year of DMV's commercial driver-training school annual audit process has just been implemented. Therefore, the assessment of the degree to which audits are linked with the school's license renewal is limited. However, at some schools where the license was renewed in early 1998, the annual audit was conducted shortly after the school received its new license. For example:

> *A commercial driver-training school submitted an application for its license renewal on March 17, 1998. The new license was issued on March 27, 1998. DMV staff conducted an annual audit of the school on April 1, 1998.*
>
> * * *
>
> *Another commercial driver-training school submitted an application for its license in January 1998 and the license was issued February 2, 1998. DMV staff conducted an annual audit of the school on April 7, 1998.*

Conducting an annual audit shortly before the school's license is renewed has some potential benefits. First, DMV staff can use the audit to ensure that the school is in compliance with regulations at the time of the license renewal. Second, having the license renewal contingent upon compliance with standards can act as an incentive to schools to correct problems in a timely and proper fashion.

Over the course of the next two years, DMV should work to more directly link the audit and the commercial driver-training school license renewal process. DMV should attempt to have an annual audit conducted about three months prior to license renewal, have any deficiencies from the audit corrected, or approve a plan of action for correcting the problems prior to the final license being issued.

Recommendation (19). **The Department of Motor Vehicles should link the administration of the commercial driver-training school annual audit with schools' annual or biennial license renewal.**

Database of Audit Results Should Be Developed and Used in the Oversight Process

Currently, completed audit forms are reviewed by DMV staff and filed with the applicable school file. In order to identify the need for additional monitoring or to identify particular areas of a school's operations that should receive additional attention during audits, DMV should develop an automated database to record audit results and facilitate analysis.

The current audit form records compliance or noncompliance with standards in a manner that could be easily entered into an automated database. This would allow DMV to analyze standards with which schools have difficulty maintaining compliance. This would also be useful to DMV in focusing the monitoring and technical assistance activities that occur between the annual audits.

In addition, an automated database of audit results would enable DMV to assess the effectiveness of its entire commercial driver-training school oversight process and make any changes necessary to improve it. For example, analysis of audit data may indicate that a particular standard has been found not in compliance by staff conducting audits only in one district. This might indicate that staff in this district are incorrectly interpreting the standard. Or a significant number of violations of the same standard could indicate a problem across the commercial driver-training school system that requires DMV's attention.

Recommendation (20). **The Department of Motor Vehicles should create a standardized and automated database to use in analyzing and tracking results of commercial driver-training school audits.**

Central Office Should Provide Staff Conducting Audits with Comprehensive Information

When a commercial driver-training school audit is scheduled, DMV staff request a copy of the school's headquarters profile. DMV staff conducting audits use the

information in the profile to review standards related to, among other things, the schools' instructors and student training vehicles.

Additional information that is not part of the headquarters profile may be of benefit to DMV staff in preparing for and conducting the commercial driver-training school audit. For example:

> *JLARC staff observed the administration of a commercial driver-training school audit. The school's headquarters profile listed only one instructor who was also the owner. During the portion of the audit when DMV staff verify the instructor-related information such as driving record and license information, the school owner if any one else was employed to teach at the school. The owner said that two other individuals were licensed instructors and employed by the school. The owner showed letters from DMV approving their license to teach at that school. The staff person conducting the audit was unable to verify information about those instructors at that time. Later she stated that it had put her somewhat on the defensive and that was a difficult position to be in.*

Other DMV staff noted that additional information kept in the central office related to the particular school to be audited would be helpful.

> *One DMV staff person reported that he would like to see central office provide more information regarding the schools that are to be audited. He would like central office to provide copies of the insurance information and instructor applications. Currently DMV staff are provided the headquarters profile and must use that to obtain more information regarding the instructors and training vehicles. He felt having more complete information regarding the schools' instructors and vehicles prior to the audit would help him prepare more effectively.*

Moreover, some commercial driver-training schools are frequently adding and removing instructors and training vehicles. While a record of these transactions is maintained in central office, the headquarters profile is only updated when schools renew their licenses. To ensure DMV staff can more effectively conduct the commercial driver-training school audit, more information regarding the school and instructors from the central office files should be provided.

Recommendation (21). **The Department of Motor Vehicles should provide staff conducting annual audits of commercial driver-training schools with more information from the schools' central office files. Information to be provided should include but not be limited to: the headquarter's profile, instructor license applications, the school's vehicle insurance information, and the record of vehicle additions and deletions.**

DMV Should Provide Additional Training for Staff Who Conduct Audits

Since implementing the systematic oversight process in early 1997, DMV has provided two formal training sessions for DMV staff who audit commercial driver-training schools. Based on the JLARC staff survey of DMV staff who audit commercial driver-training schools, the majority of staff who received the training rated the quality of it as either good or excellent.

Still, 35 percent rated the training as only fair or poor. Moreover, this current review has cited many instances of inconsistent audit administration. While this is not totally unexpected with a new process, it highlights the need for DMV to continue to review its past experiences with the audit process and take action to correct problems as well as strengthen elements that are working well. This is especially important for a process that utilizes staff who have many other responsibilities in addition to monitoring commercial driver-training schools.

In addition, DMV staff with audit responsibilities were asked on the JLARC staff survey to identify areas in which additional training would help them provide adequate oversight of commercial driver-training schools. The responses for the most frequently cited areas are provided in Table 8.

The majority of staff reported that additional training in detecting violations of regulations or fraudulent activities at commercial driver-training schools would be ben-

Table 8

Additional Training Needs Identified By DMV Staff With Commercial School Audit Responsibilities

Question: *Do you believe that you need additional training in any of the following areas to provide adequate oversight of commercial driver-training schools?*

Oversight Activities	Percentage of Staff
Detecting violations of regulations or fraudulent activities	56%
Interpreting standards	36
Providing technical assistance	36
Observing in-car instruction for content and effectiveness	33

Number of Respondents = 39

Source: JLARC staff analysis of data from the Survey of DMV Commercial Driver Training School Oversight Staff, April 1998.

eficial in assisting them to conduct audits. Other areas related to oversight in which DMV staff believed additional training would be beneficial include interpreting standards and observing in-car instruction. In addition, DMV staff noted the need for training to provide technical assistance, which often involves interpreting standards and providing guidance to operators in how to meet regulations.

Because the current oversight process is so new, DMV should continue to provide annual training to DMV staff who conduct commercial driver-training school audits. DMV should focus some of the training on the areas that have been highlighted in this current JLARC review as problematic. In addition, DMV should ensure that areas staff have identified are also addressed.

Recommendation (22). **The Department of Motor Vehicles should continue to provide training on an annual basis for staff responsible for monitoring and auditing commercial driver-training schools.**

Appendixes

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Appendix A
Study Mandate

House Joint Resolution No. 470
1997 Session

Directing the Joint Legislative Audit and Review Commission to review the effectiveness of state oversight of commercial driver-training schools.

WHEREAS, every year scores of thousands of Virginians learn to drive motor vehicles; and

WHEREAS, most of these new drivers are less than 20 years old; and

WHEREAS, year after year statistics show that a disproportionate number of traffic accidents and fatalities involve youthful drivers; and

WHEREAS, it is essential that youthful drivers receive uniformly high quality instruction in order to compensate for their relative immaturity, inexperience, and occasional lack of sound judgment; and

WHEREAS, although many youthful drivers learn to drive through driver training programs in public and private high schools, many others learn through commercial driver-training schools; and

WHEREAS, the importance of uniformly high quality in-class and behind-the-wheel driver training for young drivers has been underscored since July 1, 1995, when Virginia residents age 16 through 18 were first allowed to receive drivers' licenses without taking the Department of Motor Vehicles road skills examination if they have successfully completed a state-approved, in-school or commercial driver-education program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to review the effectiveness of state oversight of commercial driver-training schools, including the licensing and monitoring of such schools and supporting infrastructures. Such study shall not include schools whose instruction focuses solely on preparing students to receive commercial drivers' licenses provided for in Article 6.1 (§ 46.2-341.1 et seq.) of Chapter 3 of Title 46.2 of the Code of Virginia.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

Appendix B
Agency Responses

As part of an extensive data validation process, State agencies involved in a JLARC assessment effort are given the opportunity to comment on an exposure draft of the report. Appropriate technical corrections resulting from the written comments have been made in this final version of the report. Page references in the agency response relate to an earlier exposure draft and may not correspond to page numbers in this version.

This appendix contains the response from the Virginia Department of Motor Vehicles.

0

COMMONWEALTH of VIRGINIA

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Commissioner

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June 4, 1998

Mr. Philip A. Leone
Director
Joint Legislative Audit and Review Commission
General Assembly Building, Suite 1100
Richmond, Virginia 23219

Dear Mr. Leone:

Thank you for providing us with a copy of the exposure draft of the JLARC Report summary on the Oversight of the Commercial Driver Training Schools in Virginia. We appreciate the opportunity to offer comments.

While we understand that the scope of your agency's study was only to examine the Commercial Driver Training School (CDTS) program, we believe it is important to note that the Commonwealth of Virginia--DMV and the Department of Education--oversees the training of the entire juvenile driver population. Oversight of any driving school program--regardless of whether it is public, private, or commercial--must be consistent.

Enclosed is our response to each of the recommendations documented in the report. There are several other points, however, that we would like to make regarding the report content which are not directly related to the recommendations.

It is interesting to note that much of the public believes DMV is responsible for administration of the in-school driver's education program as well as the commercial school program. We feel comfortable in saying that we receive an equal number of calls from citizens concerning driver's education instruction provided by public and private schools as we do concerning commercial school instruction.

We are most concerned about the broad-based conclusion that can be drawn from your report that students completing a CDTS are more likely to be involved in an accident. Providing crash statistics alone is not a true indication that students completing a commercial school are less skilled drivers than those completing a public or private school program. There are other factors that need to be considered in such an analysis as this. One major factor is that crash statistics reflect "involvement" in a crash, not fault.

Another important factor is the severity of the crashes--fatalities, injuries, property damage. Comparing the same time periods in 1997 and 1998, juvenile fatalities are down 26.32 percent.

We take issue with the implication that combining the behind-the-wheel evaluation with the DMV road test may be a contributing factor to the difference in the crash rate. The 1995 combined license legislation has been very effective in enhancing highway safety and licensing efficiency. Driver's education instructors spend a minimum of seven hours observing the driving skills of an individual in a variety of situations. This day-to-day instructor is in a superior position to evaluate driving skills as opposed to a 15 minute test by a DMV examiner. At the time this program was implemented all CDTS were provided with a road skills test and instructions to administer the test at the conclusion of the class or during the evaluation process. Though any crash is one too many, the overall difference between a ratio of 26 percent and 28.2 percent, or 2.2 more crashes per 100, is relatively insignificant.

Today's driving instructors are no longer in a position to "pass" marginal students on to DMV for testing. They are being held accountable to certify that students demonstrate adequate driver skill proficiency and make use of the skills they have learned. In a variety of contexts--making judgments, drawing connections, and applying new understanding. Instructors have welcomed this change as students now know that they must pay attention and satisfy the instructor's evaluation.

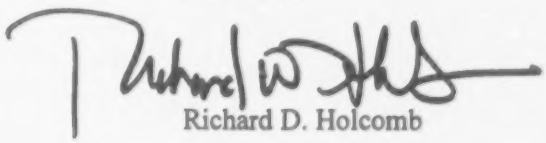
This report also does not take into consideration that Virginia has one of the toughest juvenile licensing systems in the country. Juveniles making application for a learner's permit that fail the knowledge test, cannot undergo retesting for a minimum of 15 days. Juveniles are also encouraged to receive a learner's permit at age 15 to provide them the opportunity to practice driving and become comfortable in all types of environmental conditions. There is also a mandatory six-month learner's permit holding period required for anyone under the age of 18. This, too, ensures adequate opportunity for exposure to many types of driving experiences.

In an effort to further influence the driving behavior of novice drivers, DMV played an instrumental role in passage of this year's legislation which provides for three levels of juvenile restrictions. When an underage driver receives the first demerit point offense, he/she must attend a Driver Improvement Clinic. The second conviction results in a 90-day suspension. The third conviction results in a one year revocation, or until the underage driver reaches 18. This is a very positive approach which does not affect the juvenile who drives responsibly. It only affects the juvenile drivers who demonstrate poor judgment in their driving behavior and are thus sanctioned for their actions.

We appreciate the positive remarks made regarding the oversight of the program as well as the recommendations to enhance the effectiveness of the juvenile licensing program. As you will see from our attached responses to the recommendations, we intend on implementing many of them or have already taken steps to do so.

With kindest regards.

Sincerely,



Richard D. Holcomb

RDH/kar

Enclosures

OVERSIGHT OF COMMERCIAL DRIVER TRAINING SCHOOLS IN VIRGINIA

DMV's Response To JLARC's Recommendations

While DMV may agree with recommendations to amend regulations, it is important to note that modifications must be promulgated and could possibly lead to further modification based on public comments.

RECOMMENDATION 1 - The Department of Motor Vehicles should amend §1.1 of the Commercial Driver Training School Regulations to add a definition of safe mechanical condition for motor vehicles used to train students. This definition should clearly state that the training vehicles shall be in continual compliance with the Virginia State Inspection Requirements for Passenger Vehicles up to 10,000 Pounds.

Concur In Part - DMV will propose amending the regulations to require vehicles used for in-car instruction to (1) be in continual compliance with the Virginia State Inspection Requirements and (2) undergo periodic "road-worthiness" testing by instructors to detect obvious defects.

RECOMMENDATION 2 - The Department of Motor Vehicles should amend standard §2.10 of the Commercial Driver Training School Regulations to require that training vehicles carry specific safety equipment during in-car training. The standard should at a minimum require the vehicle safety equipment that is incorporated in the Curriculum guide for Driver Education in Virginia.

Concur - DMV will propose amending the regulations as recommended.

RECOMMENDATION 3 - The Department of Motor Vehicles should amend §2.3 of the Commercial Driver Training School Regulations to requirement that commercial driver training schools provide standardized documentation of the subject areas covered for each period of in-car driving instruction.

Concur - DMV will propose amending the regulations as recommended. In addition DMV will develop a form for this purpose.

RECOMMENDATION 4 - The Department of Motor Vehicles should amend §2.13 of the Commercial Driver Training School Regulations to specifically address the issue of using references to certification or licensing by other State agencies or boards.

Concur - DMV will propose amending the regulations as recommended.

RECOMMENDATION 5 - The Department of Motor Vehicles should revise §2.1C and §3.1F of the Commercial Driver Training School Regulations to require that a Virginia State Police criminal background check be submitted by all applicants for a commercial driver training school operator or instructor license.

Concur - DMV determined, prior to the JLARC study, the need to propose an amendment to the regulations to require a State Police criminal background check as opposed to a local law enforcement background check.

RECOMMENDATION 6 - The Department of Motor Vehicles should revise §2.1C, §3.1F, and §4.1A of the Commercial Driver Training School Regulations to include convictions for: (1) sexual crimes involving the exploitation of other people and (2) illegal drugs or drug-related offenses.

Concur - DMV will propose amending the regulations to mirror the standards set by the Department of Education.

RECOMMENDATION 7 - The Department of Motor Vehicles should clarify §3.1E of the Commercial Driver Training School Regulations to clarify how the maximum number of demerit points that can be assigned are to be calculated. the department should also clarify whether safe driving points can be used to offset any demerit points.

Concur - DMV determined, prior to the release of the JLARC study, the need to propose an amendment to the regulations to clarify the calculation of demerit points. The proposed amendment will be consistent with the demerit point calculations utilized by the Department of Education.

RECOMMENDATION 8 - The Department of Motor Vehicles should amend §2.8 of the Commercial Driver Training School Regulations to include the requirement that classroom instruction on aggressive driving be provided as part of the driver education course for students under 19 years of age.

Concur in part - DMV will propose amending the regulations to specify that all components of the curriculum guide are to be included in classroom instruction, with emphasis placed on those components mandated by statute.

Va. code §22.1-205 gives the Department of Education jurisdiction over development of the curriculum guide. DMV notified the Department of Education on May 19, 1998, (see attachment 1) of the need to provide the aggressive driving curriculum change (prior to the July 1, 1998, legislation effective date). DMV will then distribute the information to the commercial schools. In addition, in the March 31, 1998, newsletter to commercial driver training schools, DMV provided material on aggressive driving along with other recommendations to be incorporated into training programs (see attachment 2). In May 1998, the DMV audit report was updated to include aggressive driving (see attachment 3) as a mandatory curriculum requirement.

RECOMMENDATION 9 - The Department of Motor Vehicles should amend the Commercial Driver Training School Regulations to incorporate standards addressing the administration of a final road skills examination. At a minimum, the standards should address: what skills are to be evaluated during the test, the minimum score that must be obtained, how test failures are to be addressed, and how the results are to be documented.

Concur In Part - DMV will propose amending the regulations to indicate the road skills evaluation sheet shall be maintained in the schools' files.

The Commercial Driver Training Schools currently use a checklist score sheet which was modeled after DMV's Test Score Sheet and created in conjunction with the Department of Education. Each public and private school jurisdiction was then given the latitude to adopt or revise the form to fit their program needs.

DMV does require a formal road skills evaluation administered by the Commercial Driver Training School instructor at the end of the 7 periods. This information was communicated to the schools in a memorandum dated June 26, 1995 (see attachment 4). DMV does require the use of the road skills evaluation sheet during the In-Car instruction. However, rather than a 15 minute evaluation of the student's abilities to safely operate a motor vehicle, the instructor completes the road skills evaluation after evaluating the student over 7 periods, each being 50 minutes in length.

RECOMMENDATION 10 - The General Assembly may wish to consider amending §46.2-1705 to provide the Commissioner of the Department of Motor Vehicles with the ability to limit the types of driver education training provided, restrict the use of certain school training vehicles, and require that notices be posted with the school's license to operate pending disciplinary action.

No position - DMV is bound by the procedures in the Administrative Process Act. However, DMV could take the proposed intermediate steps if the General Assembly exempts the DMV from such statutory restrictions.

RECOMMENDATION 11 - The General Assembly may wish to consider amending §46.2-1705 of the Code of Virginia to provide the Commissioner of the Department of Motor Vehicles with the authority to issue special orders for intermediate sanctions for violations of standards by licensed commercial driver training schools that: (1) put the safety of students at risk, or (2) fail to provide the required type or amount of instruction.

No position - DMV is bound by the procedures of the Administrative Process Act. However, DMV could impose intermediate sanctions if the General Assembly exempts the DMV from such statutory restrictions.

RECOMMENDATION 12 - The Department of Motor Vehicles should standardize the scope of the review of student training files. The department should establish a minimum number of files to be reviewed during each annual audit based on the number of students completing training at each school.

Concur - DMV will use statistical sampling techniques to establish the minimum number of files to be reviewed during each annual audit.

RECOMMENDATION 13 - The Department of Motor Vehicles should modify its procedures to ensure that documentation regarding compliance with local fire regulations obtained by the commercial driver training schools: (1) be submitted with the schools' initial license application, and (2) verified during the department's annual audits.

Concur - The audit procedures will be modified as recommended.

RECOMMENDATION 14 - The Department of Motor Vehicles should revise its commercial driver training school audit procedures to require DMV staff to evaluate the condition of certain components of the car, include, but not limited to, tires and the working condition of seat belts, dual brakes, lights and horns. The department should revise the annual audit form to reflect this requirement.

Concur - The audit report will be amended to incorporate the vehicle inspection that is conducted prior to the administration of a DMV skills test. Obvious defects will be reported via the audit process.

RECOMMENDATION 15 - The Department of Motor Vehicles should clarify its audit procedures to require department staff to inspect every school vehicle during the annual audit or as soon as possible after the audit. In addition, the department should revise the annual audit form to enable staff to record the results of each vehicle inspected.

Concur - The procedures will be amended as recommended.

RECOMMENDATION 16 - The Department of Motor Vehicles should revise the current annual audit form to require audit staff conducting audits to verify that all of the classroom and in-car subject matter areas required by the Curriculum Guide for Driver Education in Virginia are part of the school's instruction curriculum. In addition, the department should revise the procedures for the annual audit to ensure staff conducting audits verify the content of the classroom and in-car curriculum.

Concur - The audit form will be revised as recommended.

RECOMMENDATION 17 - The Department of Motor Vehicles should utilize monitoring visits to commercial driver training schools between annual audits. Criteria the department should use in determining the need for monitoring visits should include, but not be limited to, a school's record of: serious deficiencies on the most recent annual audit, compliance with promulgated regulations, complaints from students or parents, not providing the required instructional subject matter to students under 19 years of age, and not providing the required quantity of training to students under 19 years of age.

Concur - DMV currently takes all of the measures outlined in the recommendation; however, rather than initiate an audit, a DMV investigator conducts an investigation into the allegations. Since January 1998, seven schools have been investigated, resulting in license suspension or revocation, criminal findings or imposition of a civil penalty.

RECOMMENDATION 18 - The Department of Motor Vehicles should change the periodicity of the commercial driver training school annual audit from each calendar year to every 12 months.

Concur - DMV will amend the audit procedures as recommended.

RECOMMENDATION 19 - The Department of Motor Vehicles should link the administration of the commercial driver training school annual audit with schools' annual or biennial license renewal.

Concur - DMV will amend the audit procedures as recommended.

RECOMMENDATION 20 - The Department of Motor Vehicles should create a standardized and automated database for use in analyzing and tracking results of commercial driver training school audits.

Concur - The need for an automated database was previously identified by DMV, prior to the JLARC study, and is in the process of being developed.

RECOMMENDATION 21 - The Department of Motor Vehicles should provide staff conducting annual audits of commercial driver training schools with more information from the schools' central office files. Information to be provided should include but not be limited to: the headquarters' profile, instructor license applications, the school's vehicle insurance information, and the record of vehicle additions and deletions.

Concur - This is not a change in current procedure. DMV headquarters staff presently provides all of the information outlined when the auditor requests the profile. Auditors are required to request the profile before conducting the audit. (See attachment 5)

RECOMMENDATION 22 - The Department of Motor Vehicles should continue to provide training to on an annual basis for staff responsible for monitoring and auditing commercial driver training schools.

Concur - DMV will continue to conduct at least one annual training event. The audit staff will also continue to be kept apprised of all procedural and legislative changes by way of memoranda, bulletins, revised procedures, and newsletters.

COMMONWEALTH of VIRGINIA
Department of Motor Vehicles
2300 West Broad Street

Richard D. Holcomb
Commissioner

Post Office Box 27412
Richmond, VA 23269-00(
(804) 367-0538

May 19, 1998

Mr. Paul D. Stapleton
Superintendent of Public Instruction
Department of Education
Post Office Box 2120
Richmond, Virginia 23218

Dear Superintendent Stapleton:

Congratulations on your recent appointment as Superintendent of Public Instruction. The Department of Motor Vehicles (DMV) looks forward to continuing the great working relationship we have experienced with the Department of Education throughout the past four years.

During this period of time, your staff has worked closely with DMV in the successful implementation of the "combined driver's license program." Their support was instrumental in what resulted in an extremely smooth transition from the DMV testing and license issue process to the streamlined process we have today of the driver's education instructor assuming this role. While this program benefits the public in reducing multiple trips to our office, its primary purpose is to enhance highway safety. Now, rather than a license being issued after a 20-minute skills test administered by an examiner, the driver's education instructor who has spent a minimum of 14 hours in a vehicle with the student and has considerable knowledge of his or her driving ability makes the final determination of licensure.

My purpose in writing to you is to offer assistance to your agency. As you are aware, HB896 which becomes effective July 1, requires the classroom portion of the driver's education program to include instruction regarding "aggressive driving." This legislation also affects DMV in that the Curriculum Guide for Driver Education in Virginia is the standardized program of instruction for the Commercial Driver Training Schools licensed by DMV. It is, therefore, important to us that this new requirement be included in instructional information. In order to meet the legislative effective date and allow for adequate lead time for dissemination to the 161 commercial schools, we must have the new material available to us by June 15. To meet this fast approaching date, I would like to suggest a team effort. I believe your staff, working together with mine, can expeditiously produce a quality product for use by both the Virginia public school system and the commercial school program.

FAX: (804) 367-6631 TDD: 1-800-272-9268 E-MAIL: commish@dmv.state.va.us WEB SITE: www.dmv.state.va.us

I would also like to suggest taking this team approach a step further. The Curriculum Guide has not been revised in quite a while and some of the instruction contained in the Guide as it relates to Virginia law is out-dated. A viable option available to facilitate revising the Guide and lessen the impact on both of our agencies may be outsourcing. DMV is responsible for the administration of grant funds. Based on this, we would be open to entertaining a Federal grant request from your agency dedicated to this endeavor. These funds could then be used to employ a contractual entity for the purpose of updating the Guide.

This effort is of great importance. During the past two years, the General Assembly has initiated a number of bills and studies which affect the novice driver. As you may be aware, we are currently undergoing a JLARC study of the effectiveness of the commercial school program to include classroom instruction. In addition, this specific demographic group is of interest to the insurance industry, media and general public. The focus on the beginner driver is only going to grow.

I look forward to hearing from you on both of these issues. Ms. Karen Ruby is DMV's point of contact and your staff is welcome to contact her at 367-2240 for further information.

With kindest regards.

Sincerely,

Richard D. Holcomb

RDH:kar

COMMONWEALTH of VIRGINIA
Department of Motor Vehicles
2300 West Broad Street

Richard D. Holcomb
Commissioner

Post Office Box 27412
Richmond, VA 23269-0001
(804) 367-0538

March 31, 1998

Dear Commercial Driver Training School Licensee:

Welcome to the fourth newsletter for Virginia's Commercial Driver Training Schools (CDTS). We have designed these newsletters to assist you in providing quality education and training for prospective drivers. The information provided will also help you successfully respond to DMV's annual audit. We welcome your feedback about how we can better tailor these newsletters to meet your needs.

All CDTS were audited during calendar year 1997 and will be audited again during calendar year 1998. Audits showed that the performance of most schools was outstanding.

Two schools have been identified, by means other than audits, which are in violation of the Rules and Regulations and resulted in revocation/suspension of the license. Another school is currently in a hearing process. The license revocation/suspensions resulted because the schools failed to conduct the full training program of 36 periods of classroom instruction and 14 periods of in-car instruction and falsified the CDT-A. The CDTS in the hearing process was cited for lapsed vehicle insurance. Remember, compliance is a full-time process.

Hints for Successful Performance

Hint #1: You may carry no more than four persons in the vehicle during in-car instruction. You are limited to a maximum of four people, including the driver and instructor, in the vehicle while conducting in-car instruction. If the vehicle does not have four seatbelts, then you may carry only as many people as the vehicle has seatbelts. You must have a seatbelt for each person in the vehicle.

Hint #2: Maintain your records properly. You are required to keep at least three years of records at your place of business. You may keep them longer if you desire; however, all records that you keep are open for inspection/audit. Although audits will normally be scheduled during your business hours, you may make arrangements with the auditor to inspect your records at a different time. The audit, however, must occur at your place of business since other requirements will also be verified there.

Hint #3: You may not conduct CDTS business on Department of Motor Vehicles property. CDTS owners, instructors or other school representatives are prohibited from soliciting school business on property owned or maintained by DMV. CDTS are also prohibited from providing translation services for any of their students taking a DMV licensing examination.

FAX: (804) 367-6631 TDD: 1-800-272-9268 E-MAIL: commish@dmv.state.va.us WEB SITE: www.dmv.state.va.us

Hint #4: The CDTS license renewal process is structured. DMV will mail a CDTS license renewal notice to licensees at least 45 days prior to license expiration. CDTS should begin preparing for license renewal by ensuring that vehicle insurance, the school surety bond and state police background check are current or are applied for prior to the license expiration date. You also can reduce your workload by applying for a two-year license. Instructor licenses must be applied for at the same time as the CDTS license.

Special Notice

- It is too early yet to provide information on new legislation impacting drivers. Look for a complete account of changes in our June newsletter.

- During 1998, DMV will propose updated Rules and Regulations for Commercial Driver Training Schools. Schools are invited to send preliminary comments to DMV at the mailing address below.

- Enclosed is a brochure on aggressive driving provided by the National Highway Transportation Safety Administration (NHTSA). We recommend that you incorporate this information in your training programs.

- The U.S. Department of Commerce has prepared a safety video dealing with vehicle-related deaths due to flooding. If your school would like to purchase the video, send a $3.50 check made out to NOAA/National Weather Service to the following address:

  Larry Wenzel
  NWS, Office of Hydrology
  SSMC-2, Room 8115
  1325 East West Highway
  Silver Springs, MD 20910

  For more information, call Larry Wenzel at (301) 713-0006, extension 147.

References

You will find CDTS requirements in the *Code of Virginia*, Sections 46.2-1700 et. seq., the *Commercial Driver Training School Regulations*, VR485-60-9201, and the *Curriculum Guide for Driver Education in Virginia*.

DMV Contact Points

Telephone:

(804) 367-2446
(804) 367-0245
(804) 367-0205
(804) 367-0247
(804) 367-0248

FAX: (804) 367-6211

Mail: Department of Motor Vehicles
Attn.: Commercial Driver Training Schools (Room 424)
Post Office Box 27412
Richmond, VA 23269-0001

[redacted] DRIVERS

WHO ARE THEY?

Here's what we know of them, so far:

- These high risk drivers climb into the anonymity of an automobile and take out their frustrations on anybody at any time.
- For them, frustration levels are high, and level of concern for fellow motorists is low.
- They run stop signs and red lights, speed, tailgate, weave in and out of traffic, pass on the right, make improper and unsafe lane changes, make hand and facial gestures, scream, honk, and flash their lights.
- They drive at speeds far in excess of the norm which causes them to: follow too closely, change lanes frequently and abruptly without notice (signals), pass on the shoulder or unpaved portions of the roadway, and leer at and/or threaten - verbally or through gestures - motorists who are thoughtless enough to be in front of them.

WHEN CONFRONTED BY AGGRESSIVE DRIVERS:

- First and foremost make every attempt to get out of their way.
- Put your pride in the back seat. Do not challenge them by speeding up or attempting to hold-your-own in your travel lane.
- Wear your seat belt. It will hold you in your seat and behind the wheel in case you need to make an abrupt driving maneuver and it will protect you in a crash.
- Avoid eye contact.
- Ignore gestures and refuse to return them.
- Report aggressive drivers to the appropriate authorities by providing a vehicle description, license number, location, and, if possible, direction of travel.
- If you have a "Cell" phone, and can do it safely, call the police -- many have special numbers (e.g. 9-1-1 or #77).
- If an aggressive driver is involved in a crash farther down the road, stop a safe distance from the crash scene, wait for the police to arrive, and report the driving behavior that you witnessed.

Avoid the challenges or confrontations of an aggressive driver and support law enforcement's efforts to rid the streets and highways of this menace.

NHTSA
People Saving People

DMV

Commercial Driver Training School (CDTS)
Audit Report

Date of Audit _____

School's Name: _____

School's Address: _____

_____

Phone Number: _____

School Representative's Name: _____

Auditor's Name: _____ DMV District: ____

Type of Audit: ☐ Pre-Licensing ☐ Annual ☐ Location Change

☐ Initial ☐ Random

A. PLACE OF BUSINESS (OFFICE) Items A6, A8, A9 and A10 are not applicable for pre-licensing audits.)

		Yes	No	N/A
1.	Is the place of business located in Virginia?	☐	☐	☐
2.	Is the place of business owned or leased by a principal owner of the business? (Deed, lease agreement)	☐	☐	☐
3.	Does the place of business satisfy local business licensing and zoning laws? (Business license, zoning document)	☐	☐	☐
4.	Is the place of business devoted exclusively to school use? (Area observation)	☐	☐	☐
5.	Is the place of business equipped with a desk, chair, filing space and restroom?	☐	☐	☐
6.	Does the place of business have a telephone listed in the school's name? (Telephone book)	☐	☐	☐
7.	Does the place of business comply with local health and fire regulations? (Local business license)	☐	☐	☐
8.	Is the school's DMV license permanently posted and valid?	☐	☐	☐
9.	Are the school's training schedules and fees permanently posted?	☐	☐	☐
10.	Are the school's hours of operation permanently posted (8 hours/week minimum)?	☐	☐	☐

NOTE: Items 1, 2 and 4 **ONLY** are grandfathered, if the school was licensed as a CDTS prior to January 1, 1993. If grandfathered, the school does not need to comply with these requirements.

B. Business Records To Be Maintained At The Place Of Business (Not applicable for pre-licensing au

		Yes	No	N/A
1.	Does the school maintain a record of each student showing name, address, telephone number and driver license number? (CDT-A, Contract/Notice)	☐	☐	☐
2.	Does the school maintain a record of each student showing instruction dates, fees paid, the instructor, testing materials and a copy of the student's Commercial Driver Education Certificate? (CDT-A, Contract/Notice)	☐	☐	☐
3.	Does the school maintain a record showing the number of behind-the-wheel and observation periods each student has received? (CDT-A)	☐	☐	☐
4.	Does the school maintain copies of current insurance policies, current surety bonds, local business licenses, zoning documentation and a personal file for each instructor indicating their qualifications?	☐	☐	☐
5.	Are school records maintained for at least three (3) years?	☐	☐	☐

C. CLASSROOM (Only applicable if school provides this instruction)

		Yes	No	N/A
1.	Does the classroom have at least 10 square feet per student? (Area observation)	☐	☐	☐
2.	Are there seating and writing surfaces for each student?	☐	☐	☐
3.	Are there restroom facilities?	☐	☐	☐
4.	Does the classroom meet local health, fire and building code requirements. (Local business license)	☐	☐	☐

NOTE: Items 2 and 3 ONLY are grandfathered if school was licensed as a CDTS prior to January 1, 1993. If grandfathered, the school does not need to comply with these requirements.

D. PRACTICES (Only Item D1 is applicable for pre-licensing audits)

		Yes	No	N/A
1.	Is the school located at least 1500 feet from DMV licensing activities? (Area observation)	☐	☐	☐
2.	Does the school issue the necessary documents for a student to get a license or insurance reduction within five (5) days of school completion? (CDT-A)	☐	☐	☐
3.	Does the school notify DMV when vehicles are added or deleted from their fleet? (Headquarters school profile)	☐	☐	☐
4.	Did the school notify DMV of any address change 30 days prior to the effective date? (Headquarters school profile)	☐	☐	☐
5.	Did the school notify DMV of an instructor termination not later than the 15th of the month following the termination? (Headquarters school profile)	☐	☐	☐

E. VEHICLE USED FOR BEHIND THE WHEEL INSTRUCTION (Only applicable if school provides this instruction)

	Yes	No	N/A
1. Are the vehicles less than nine (9) model years old? (DMV CSS record)	☐	☐	☐
2. Are current safety inspection stickers displayed on the windshield(s)?	☐	☐	☐
3. Are the vehicle(s) owned or leased by the school or the school owner? (DMV CSS record)	☐	☐	☐
4. Are the vehicle(s) properly registered? (DMV CSS record)	☐	☐	☐
5. Are the vehicle(s) equipped with:			
a. dual controls (brake/clutch)?	☐	☐	☐
b. dual inside AND outside rear view mirrors? Note that vanity mirrors are not considered to be rear view mirrors.	☐	☐	☐
c. seat and seat belts for each person transported in the vehicle(s)?	☐	☐	☐
d. a rooftop sign with letters at least two and one half (2 1/2) inches in height stating "Student Driver", "Learners", "New Driver", "Driver Education" or "Caution-Student"? (Class B school only)	☐	☐	☐
e. a sign on the outside of the vehicle(s) showing the name of the school indicated on the license? (Class B school only)	☐	☐	☐
6. Are all vehicles used for instruction properly reflected on DMV records? (DMV CSS record, CDT-001)	☐	☐	☐

F. ADVERTISING (Not applicable for pre-licensing audits)

	Yes	No	N/A
1. School advertising may only infer "Licensed by DMV". Does the school's advertising allude to DMV recommending the school for training? (Telephone book, flyers)	☐	☐	☐
2. Schools may not guarantee that those trained by the school will get a driver's license or a job. Does the school's advertising make any claims regarding licensing or a job? (Telephone book, flyers)	☐	☐	☐
3. Schools may not assist a student in taking the driver knowledge test. Does the school's advertising indicate assistance of this nature? (Flyers, newspaper, signage)	☐	☐	☐

G. CONTRACTS (Verify sample contract/notices during pre-licensing audits)

If there is a written contract between the school and the student/parent, it must contain the information below. If there is no written contract, the school is required to provide the information to the student/parent by written notice. (Class B school only)

	Yes	No	N/A
1. Does the contract/notice state the maximum number of classroom and behind-the-wheel periods of instruction to be received?	☐	☐	☐
2. Does the contract/notice state the cost of the instruction and the payment terms?	☐	☐	☐

3.	Does the contract/notice state the date and time the classroom instruction is to begin?	☐	☐	☐
4.	Does the contract/notice have the signature of the school representative?	☐	☐	☐

H. INSTRUCTOR (Items H5 is not applicable for pre-licensing audits)

		Yes	No	N/A
1.	Are the instructor(s) employed by the school? (W2, employment contract)	☐	☐	☐
2.	Do the instructor(s) have at least five (5) years of driving experience? (DMV CSS record, instructor file)	☐	☐	☐
3.	Do the instructor(s) hold valid driver's licenses? (DMV CSS record)	☐	☐	☐
4.	Do the instructor(s) have driving records which do not exceed six (6) demerit points? (DMV CSS record)	☐	☐	☐
5.	Do the instructor(s) have their instructor's CDTS license and driver's license in their possession while providing training?	☐	☐	☐
6.	Does the instructor's driver's license reflect their correct residential address? (DMV CSS record)	☐	☐	☐
7.	Are CDTS records in accordance with DMV records? (Headquarters school profile)	☐	☐	☐

I. CURRICULUM FOR SCHOOLS TEACHING STUDENTS UNDER AGE 19 (Class B school only) Items I7 is not applicable for pre-licensing audits)

		Yes	No	N/A
1.	Is the Department of Education's "Curriculum Guide for Driver Education in Virginia" used as the basis for the school's instruction?	☐	☐	☐
2.	Is information relative to seat belt laws and the influence of alcohol and drugs on driving part of the instruction?	☐	☐	☐
3.	Does the instruction contain information relative to aggressive driving? (Curriculum Guide, lesson plan)	☐	☐	☐
4.	Does the classroom plan of instruction consist of thirty-six (36) periods of instruction?	☐	☐	☐
5.	Does the behind-the-wheel plan of instruction consist of seven (7) periods of observation time and seven (7) periods of actual driving time? (Contract/Notice, lesson plan, CDT-A)	☐	☐	☐
6.	Is the length of the instruction periods no more than fifty (50) minutes each? (Contract/Notice, lesson plan)	☐	☐	☐
7.	Does the instructor present the information in a knowledgeable and professional manner?	☐	☐	☐

J. AUDITOR'S GENERAL COMMENTS REGARDING AUDIT

K. Signatures

Auditor's Signature

CDTS Representative's Signature

CDTS Representative's Printed Name

I certify that by signing this form, I acknowledge that I have been informed of any deficiencies noted hereon and I am aware that any violations of the Code of Virginia or the Commercial Driver Training School Regulations can result in license cancellation, revocation, suspension or civil penalty.

Distribution:

Original CDTS Section - Headquarters
1st Copy CDTS
2nd Copy Auditor's District Office

COMMONWEALTH of VIRGINIA
Department of Motor Vehicles
2300 West Broad Street

RICHARD D. HOLCOMB
COMMISSIONER

MAIL ADDRESS
POST OFFICE BOX 27412
RICHMOND, VIRGINIA 23269-9001

June 26, 1995

MEMORANDUM

TO: All Commercial Driver Training Schools

FROM: Richard D. Holcomb

SUBJECT: General Assembly Action Relating to Instructional Permits and Driver's Licenses

This memorandum has been prepared to advise you of legislative changes passed during the 1995 session of the General Assembly regarding the issuance of instruction permits and driver's licenses to juveniles. These changes are effective July 1, 1995.

INSTRUCTION PERMIT ELIGIBILITY AGE

HB 2320 - Reduces the age when a person is eligible to obtain an instruction permit from 15 years and 8 months to 15 years.

INSTRUCTION PERMITS/EXAMINATIONS

HB 2141 - Parent or guardian consent for an instruction permit is also consent for driver's license issuance.

This legislation allows a Virginia resident at least 16 years of age the opportunity to obtain a driver's license without taking the DMV road skills examination. However, the juvenile must first successfully complete a state-approved driver education program that includes a road skills examination.

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Upon successful completion of the program, the juvenile will be issued a Driver Education Certificate (DEC-A) or a Commercial Driver Education Certificate (CDT-A). The certificate will be valid for 90 days from the program completion date or the juvenile's sixteenth birthday, whichever occurs last. The valid certificate accompanied by a valid instruction permit allows the juvenile to drive without a licensed adult.

DMV will continue to issue the driver's license to the courts for presentation to the juvenile.

In order to implement this legislation, the Commercial Driver Education Certificate (CDT-A) was developed and replaces the current Commercial Driver Education Certificate (CDT-007).

A road skills examination has been developed and must be administered to students under 18 by the instructor at the end of the driver education course. The purpose of the examination is to measure the student's basic vehicle handling skills. No additional cost for the road skills examination should be incurred by the student.

Enclosed are sample copies of the CDT-A and Roads Skills Evaluation forms along with instructions for completion. Also, enclosed is a small supply of Road Skills Evaluation forms.

If you need additional evaluation forms, call (804) 367-0448 and give the item code number 2100360. We expect to receive the CDT-A certificates around July 15, and upon receipt, a supply will be mailed to you.

If you should have additional questions or need further information, please call Frank Yancey at at (804) 367-9156 or Al Aldridge at (804) 367-2446.

Enclosures

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GUIDELINES FOR ADMINISTERING THE ROAD SKILLS EXAMINATION

The end-of-course evaluation measures the student's basic vehicle handling skills. An assessment of the student's attitudes essential to safe, efficient vehicle operation is the responsibility of parents or guardians.

Each school should design an assessment tool that compliments the local driving environment and includes the performance ski listed below. Teachers are encouraged to develop a standardized evaluation form with predetermined routes (VADETS driving contest road test sample attached). In addition, to help reduce test anxiety, the teacher may want to briefly review the examination skills, and mention to the student that notations will be made on the skills rating sheet during the test.

The teacher's professional judgement will determine "acceptable" performance for each of the following skills:

PARKING LOT DRIVING

TRAFFIC CHECK	constantly scanning for vehicle, pedestrian, and other hazards and executes safe adjustment for each of these
BACKING	demonstrates proper visual search patterns using mirrors, looking over the right shoulder, and monitors both the rear and front of the vehicle without weaving
SPEED	adjusts speed appropriately-not excessive or too slow
PARK	signals intentions, controls speed, judges space, and brakes appropriately

TURNS (3 LEFT TURNS/3 RIGHT TURNS)

TRAFFIC CHECK	constantly scanning for vehicle, pedestrian, and other hazards and executes safe adjustment for each
SIGNAL	communicates intentions
SPEED	adjusts speed appropriately-not excessive or too slow
LANE	positions vehicle in the correct lane
YIELD	yields right-of-way
STOP	does not perform unnecessary stops; stops at the correct location; or, if necessary, stops at a yield sign
GAP	maintains a 2 second space cushion
TIRE POSITION	begins left turn with wheels facing straight ahead; begins right turn with wheels rounded to the right
STEERING CONTROL	does not oversteer, or weave
TOO WIDE/SHORT	completes turn in a position that is not too wide or too close to the curb or adjacent lane
CORRECT LANE	completes turn in proper lane
SPEED	adjusts speed accordingly

INTERSECTIONS

TRAFFIC CHECK	constantly scanning for vehicle, pedestrian, and other hazards, and executes safe adjustment for each
SPEED	adjusts speed accordingly
YIELD	yields right-of-way
STOP	does not perform unnecessary stops; stops at the correct location; or, if necessary, stops at a yield sign

RESIDENTIAL/BUSINESS

TRAFFIC CHECK	constantly scanning for vehicle, pedestrian, and other hazards, and executes safe adjustments for each
SPEED	not excessive or too slow
SPACING	maintains safe space margins and following distances
LANE POSITION	centers and positions car in the proper lane

LANE CHANGE	**(TO THE LEFT/TO THE RIGHT)**
TRAFFIC CHECK	scans path of travel
SIGNAL	communicates intentions
SPEED	maintains or adjusts speed
SPACING	maintains space margins and safe following distances
HEAD CHECK	checks blind spots
STEERING CONTROL	steers smoothly into the next lane

CURVE	
ENTERING SPEED	adjusts entering speed--preferably without braking
THROUGH SPEED	adjusts speed without applying brakes
LANE POSITION	centers vehicle in the lane

AUTOMATIC FAILURE

Discontinue administering the road skills test immediately if any of the following infractions occur:

TRAVELS AT A SPEED 10 MPH MORE OR LESS THAN THE FIXED LIMIT

STRIKES AN OBJECT

DRIVES UP OR OVER THE CURB OR SIDEWALK

DRIVES IN THE ONCOMING TRAFFIC LANE

DISOBEYS TRAFFIC SIGN OR SIGNAL

EXECUTES A DANGEROUS MANEUVER

Includes any necessary preventive action/maneuver by the instructor to avoid a hazard. Such as having to manipulate the steering wheel to change the path of travel or having to apply the brake to slow down or stop the vehicle.

INAPPROPRIATELY REACTS TO SCHOOL BUS/EMERGENCY VEHICLE

TURNS FROM IMPROPER LANE

ANY OTHER BLATANT VIOLATION OF THE LAW

It is recommended that students receive no more than 10 "unacceptable" marks on the road skills test to successfully complete the in-car portion of the driver education program. Schools do, however, reserve the right to require a higher performance standard for their students. Successful completion of the road skills examination does not imply that the student is an accomplished driver. No one can possibly be considered a skilled driver until he/she has driven for several years. If the opportunity arises, the teacher may want to remind parents/guardians that they have final authority to determine whether the student is capable of handling the responsibility of operating a motor vehicle without adult supervision.

Schools will need to establish a policy for students who do not demonstrate an acceptable performance level and fail the road test. Consideration should be given to providing these students with a 30, 60, or 90 day grace period to practice these skills with their parents/guardians. They would then be granted the opportunity to re-take the test to determine whether with practice the deficiencies have been corrected.

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COMMERCIAL DRIVER EDUCATION CERTIFICATE

Please print or type

THIS CERTIFICATE WILL EXPIRE 90 DAYS FROM THE VALIDATION DATE

CDT-A (7/95)

Student's Full Legal Name (Last) (First) (Middle) (1)

Birth Date (2) | Instruction Permit Number (3)

Student's Signature (4)

DRIVING SCHOOL

Validation Date (5) | Expiration Date (6)

(7) CLASSROOM COURSE | Date Completed | Total Instructional Periods

(8) IN-CAR COURSE | Date Completed | Total Driving Periods | Total Observation Periods

(9) In-Car Instructor's Signature | Date | In-Car Instructor's License No.

School Official's Signature (10)

School Name (11) | School Code (7 Digits)

(12) ☐ The person named on this certificate was at least 18 years of age at the time of issuance. Therefore, this certificate does not allow the holder to drive without a licensed adult in the vehicle.

This certificate has been awarded to a student in good academic standing who has successfully completed a state-approved driver education program. This program included a road skills examination that was completed at a commercial driver training school. The certificate becomes valid on the student's eighteenth birthday or on the validation date. The student will then be eligible to be licensed by the Department of Motor Vehicles.

(13)

ACADEMIC SCHOOL

☐ The person named on this certificate is currently enrolled in school and is in good academic standing.

☐ The person named on this certificate is not currently enrolled in school and has received appropriate counseling on the importance of school membership, school attendance, and completion of an educational program.

☐ The person named on this certificate is receiving home instruction provided by §22.1-254.1 or is excused or exempt as provided by §22.1-257 of the Code.

School Name

Authorized Signature | Date

IF THE STUDENT IS UNDER 18 YEARS OF AGE, THE ACADEMIC SCHOOL SECTION MUST BE COMPLETED

Successful completion of a state-approved driver education course does not imply that the student is an accomplished driver. Approval of licensing is granted by the parent or guardian. The parent or guardian has final authority to determine if the student is capable of handling the responsibility of operating a motor vehicle without adult supervisor.

STUDENT COPY

THE DEPARTMENT OF MOTOR VEHICLES ACKNOWLEDGES THIS DOCUMENT AS BEING VALID ONLY FOR PERSON UNDER 18 YEARS OF AGE AND WHEN ACCOMPANIED BY A VALID INSTRUCTION PERMIT.

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DMV

DL36 (07/95)

ROAD SKILLS EVALUATION

NAME _____ DATE _____ ☐ PASS ☐ FAIL

INSTRUCTOR _____ NUMBER OF ERRORS _____

PARKING LOT DRIVING

	1	2
Traffic check	☐	☐
Backing	☐	☐
Speed	☐	☐
Park	☐	☐

AUTOMATIC FAILURE

- Speed ☐
- Strikes an object ☐
- Up or over a curb or sidewalk ☐
- Drives in oncoming traffic lane ☐
- Disobeys traffic sign or signal ☐
- Dangerous maneuver ☐
- Reaction to school bus or emergency vehicle ☐
- Turning from improper lane ☐
- Other violation of the law ☐

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TURNS

	LEFT			RIGHT		
Approach	1	2	3	1	2	3
Traffic check	☐	☐	☐	☐	☐	☐
Signal	☐	☐	☐	☐	☐	☐
Speed	☐	☐	☐	☐	☐	☐
Lane	☐	☐	☐	☐	☐	☐
Yield	☐	☐	☐	☐	☐	☐
Stop	☐	☐	☐	☐	☐	☐
Gap	☐	☐	☐	☐	☐	☐
Tire position	☐	☐	☐	☐	☐	☐
Steering control	☐	☐	☐	☐	☐	☐
Too wide/short	☐	☐	☐	☐	☐	☐
Correct lane	☐	☐	☐	☐	☐	☐
Speed	☐	☐	☐	☐	☐	☐

INTERSECTIONS

Approach	1	2	3	4	5	6
Traffic check	☐	☐	☐	☐	☐	☐
Speed	☐	☐	☐	☐	☐	☐
Yield	☐	☐	☐	☐	☐	☐
Stop	☐	☐	☐	☐	☐	☐

*Additional skill assessment criteria, such as freeway driving or parking on the street, may be added at the teacher's discretion

RESIDENTIAL/BUSINESS

	R	B
Traffic check	☐	☐
Speed	☐	☐
Spacing	☐	☐
Lane position	☐	☐

CURVE

	1	2
Entering speed	☐	☐
Through speed	☐	☐
Lane position	☐	☐

LANE CHANGE

	L	R
Traffic check	☐	☐
Signal	☐	☐
Speed	☐	☐
Spacing	☐	☐
Head check	☐	☐
Steering control	☐	☐

The teacher should mark only those tasks the student was unable to perform at an acceptable level. To pass, students may receive no more than 10 deficiency marks on the road skills evaluation, and no marks in the automatic failure section.

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INSTRUCTIONS FOR COMPLETING THE COMMERCIAL DRIVER EDUCATION CERTIFICATE AUTHORIZATION FORM (CDT-A)

Commercial Driver Training school students **who have received their instruction permits on or after July 1, 1995, and successfully completed a state-approved driver education program that included a road skills examination, should be issued the Commercial Driver Education Certificate Authorization form (CDT-A)**. This will continue to be a three part form. The academic portion of the CDT-A form will be completed by the academic school. The order of the copies as follows: top copy is the student's; second copy is for DMV; and bottom copy is the school's. DMV and the Virginia State Police acknowledge this form as being a valid document only when accompanied by a valid instruction permit.

To fill out the form the instructor should:

1. Print or type the student's full legal name; no nicknames or abbreviations.

2. Write out the month; do not use military style of dates.

3. Carefully enter the learner's/instruction permit number. DMV will use this information to retrieve essential data needed to process the student's permanent license.

4. The student's signature verifies that all the information contained on the form is accurate.

5. Print or type the student's sixteenth birthday **OR** the in-car completion date, whichever comes **LAST**.

6. The CDT-A form expires 90 days from the date of validation.

7. Print or type the date that the student successfully completed the classroom.

   Enter the total periods of classroom instruction.

8. Enter the date that the student successfully completed in-car instruction including a road skills examination.

   Enter total periods of in-car actual driving (multiple-car-range is counted as a 1-1 ratio, with a 5 period maximum; simulation is 4-1 ratio with a 4 period maximum, or when done in combination with the multiple-car-range, a 3 period maximum).

   Enter total periods of in-car observation (multiple-car-range is a 1-1 ratio; simulation is a 4-1 ratio).

9. This section is signed by the instructor teaching the final phase of the program (generally the in-car instructor).

   The date of signature.

   Instructor's license number.

10. This section provides proof of successful program completion, and verification as determined by the individual school's owner or designee's signature.

11. Enter the name of the commercial driver training school in which the student successfully completed driver education.

    Fill in the school code. This provides DMV with documentation that the applicant's school has been approved to conduct a commercial driver education program.

12. Check this box only if the student is eighteen or over when the certificate is issued.

13. The right side of this form should be filled out by the student's academic school.

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